

**MINUTES OF THE  
MIAMI COUNTY PLANNING COMMISSION  
FEBRUARY 4, 2020**

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

**ATTENDANCE**

<b>CHAIR:</b>	Mark Oehlert
<b>VICE-CHAIR:</b>	John Menefee
<b>PLANNING COMMISSION MEMBERS:</b>	Kelli Broers, Joshua Brown, Kevin Collins, Phil Elliott, Randy Kitchen, Bret Manchester, Mark Ross
<b>ABSENT MEMBERS:</b>	None
<b>EX-OFFICIO MEMBERS:</b>	None present
<b>PLANNING DIRECTOR:</b>	Teresa Reeves
<b>COUNTY COUNSELOR:</b>	David Heger
<b>PLANNER:</b>	Kenneth Cook
<b>PC SECRETARY:</b>	Angie Baumann
<b>ECONOMIC DEVELOPMENT</b>	None Present
<b>COUNTY COMMISSION:</b>	None Present
<b>COUNTY CLERK:</b>	Janet White
<b>PRESS:</b>	Not Present

## **MINUTES**

**FEBRUARY 4, 2020**

### **MIAMI COUNTY PLANNING COMMISSION**

#### **CALL TO ORDER**

Chair Mark Oehlert called the meeting to order at 7:00 p.m.

#### **PLEDGE OF ALLEGIANCE**

#### **ROLL CALL**

Roll Call was taken and all nine (9) members were present, constituting a quorum.

#### **OATHS OF OFFICE**

Janet White, County Clerk, administered the oaths of office for Kelli Broers and Kevin Collins.

#### **DISCLOSURE OF ANY EX PARTE COMMUNICATIONS OR POTENTIAL CONFLICTS OF INTEREST**

Broers disclosed that she is an attorney with the firm McAnany, Van Cleave & Phillips, P.A., which represents the City of Gardner; therefore, she will recuse herself during the item 96011-CUP: City of Gardner Water Treatment Plant Expansion.

Manchester disclosed that he does some work for the firm Burns and McDonnell, which is an involved party in the item 96011-CUP: City of Gardner Water Treatment Plant Expansion; therefore, he will recuse himself from this portion of the meeting.

#### **ADOPTION OF THE AGENDA**

Reeves requested an addition to the Regular Agenda as Item 3 under New Business, which will be a discussion regarding a sign application for Free Spirit Kennels.

Menefee moved to adopt the Agenda with the addition as requested by Reeves. Ross seconded, and the motion passed unanimously, 9-0.

#### **CONSENT AGENDA**

- **January 7, 2020** Planning Commission Minutes.

### **19003-SUB: Bull Creek Flatz II**

Consideration of the Final Plat of Bull Creek Flatz II, a Replat of Lot 4 of Bull Creek Flatz, and an unplatted area identified as an “Exception” on the Bull Creek Flatz subdivision plat, adjusting the boundaries of the two properties totaling approximately 25.66 acres to create a 9.98 acre lot, and a 15.68 acre lot. Although the lots are non-conforming in size to the current regulations in the Countryside zoning district Section 5-5.02.1.A, they become more conforming and do not create any new lots of record. The subject property is located approximately 1000 feet east of the Southeast corner of 287th St and Cedar Niles Rd, in the NE ¼ of Section 5, Township 17S, Range 23E, Paola Twp. Submitted by James D. Bracken, property owner of record.

- **19004-SUB: Club Estates No. 3** (continued to March 3, 2020)

Consideration of the Final Plat of Club Estates No. 3, a Replat of Lots 7 and 8, Block 1, Club Estates No. 2, and also a portion of land in the SW ¼ of Section 5, Township 17S, Range 25E, lying west of Lot 8 of Club Estates No. 2, to merge the properties together to create one Lot containing 1.24 acres +/- . Although the proposed lot is non-conforming in size to the current zoning regulations, the proposed plat makes the lot more conforming in size. The subject property is located at the Northwest corner of the cul-de-sac of Ridge Line Dr, lying north of 295th St, in the SE ¼ of Section 5, Township 17S, Range 25E, Middle Creek Twp. Submitted by property owners of record Aaron and Kelly Stohs, and David Welch, on behalf of Hogan-Ann-Nicklaus, LLC.

Elliott moved to adopt the Consent Agenda as presented. Menefee seconded, and the motion passed unanimously, 9-0.

### **REGULAR AGENDA**

#### **Old Business:**

None.

#### **New Business:**

#### **17005-CUP: Living Proof Church - Annual Review of Ballfields**

Cook presented the staff report for the annual review of the ballfields adjacent to the Living Proof Church building. He explained that at the time the staff report was written, structural information from their engineer was still needed in order to finalize the building permit for the backstops—due to their height—and also the dugouts. He reported that this information was submitted yesterday, and that Code Services Director Mike Davis reviewed and approved it this afternoon.

Cook then explained that a condition of the original CUP for Living Proof Church was that the ballfields would be subject to an annual review by the Planning Commission and the Board of County Commissioners until it is determined that a different review period may be allowed. He added that he believes the original intent was to eventually tie the review of the ballfields to the 10-year review of the CUP for the church.

Cook stated that it is now staff's recommendation that the Planning Commission recommend to the Board of County Commissioners that review of the ballfields take place when review of the CUP for the church operation occurs.

Cook also reported that early in the year, he performed a site inspection with regard to the building permit for the church expansion and also for the floodplain development permit that had already been issued for the site. He reported that all previously noted issues have been taken care of, and a certificate of occupancy has been issued for the church building as well.

Cook noted that Gary Gerken is present this evening and is available for questions.

Elliott asked if staff is recommending that the Planning Commission recommend that review of the ballfield portion of the CUP take place when the CUP for the church (17005-CUP) is reviewed. Cook confirmed.

Menefee asked Cook when 17005-CUP is to be reviewed again. Cook answered that it is 10 years from the date the CUP was approved, which was February 21, 2018.

Menefee moved to accept staff's recommendation to review the ballfield portion of the CUP at the same time as the 10-year review of the CUP for the church (17005-CUP), which will take place in 2028. Collins seconded the motion, and the motion passed unanimously, 9-0.

### **Public Hearing - 96011-CUP: City of Gardner Water Treatment Plant Expansion**

*Broers and Manchester left the Commission Chambers.*

Reeves presented the staff report for consideration of an application to expand the existing Conditional Use Permit for the water treatment plant operated by the City of Gardner, per Section 5-2.02.16 of the Miami County, Kansas Zoning Regulations. The subject property, addressed as 22705 Moonlight Rd, is located on the East side of Moonlight Rd, approximately 1/2 mile South of 223rd St, in the West Half of the Southwest Quarter of Section 30, Township 15, Range 23, Marysville Township. Submitted by the City of Gardner, property owner of record.

Reeves provided a brief background of this matter, including the original approval of the CUP in 1996 and a 2005 expansion of the existing water treatment plant (WTP), which the Board of County Commissioners approved. She reported that in February 2019 City staff approached County staff to determine the course of action needed to proceed with an expansion of the WTP; and, at that time planning staff did not believe the expansion was significant enough to trigger a modification to the CUP. She explained, however, that staff later discovered that the 2005 expansion did not go through the public hearing process; therefore, staff determined that the cumulative expansions of 2005 and 2019 warranted a review and modification of the CUP through the public hearing process.

Reeves stated that this does not, in any way, take away from or eliminate the existing CUP, but instead provides transparency to neighboring property owners and the opportunity to speak. She explained that the proposed expansion will allow an additional three (3) million gallons a day (MGD) of water to be treated on the site, and ultimately up to 12 MGD. She added that a critical need exists for additional water capacity to serve the citizens of Gardner.

Reeves noted that all of the structures meet setbacks, and that the majority of the structures will be hidden behind the tree line. She added that at some point in the future an additional residuals basin will be constructed west of the tree line, at which time the City will be required to relocate the existing driveway closer to the center of the property.

She reported that an agreement between the City and the County is in place, with funds deposited into an escrow account, to chip and seal the surface of Moonlight Road once construction of the WTP is completed.

She then highlighted several of the *Golden Criteria*:

**6. *The relative gain to the public health, safety, and welfare by the possible diminution in value of the developer's property as compared to the hardship imposed upon the individual landowner.***

She noted that a number of studies undertaken by the City have determined that a critical need exists for additional water capacity to serve its citizens. She explained that Hillsdale Lake was created for not only flood control, but also to supply water to areas in Miami and Johnson counties. Reeves noted that recent real estate sales do not indicate any detrimental impact in nearby property values.

**7. *Whether the proposed conditional use permit would be consistent with the intent and purpose of the Zoning Regulations.***

Reeves stated that staff believes this is consistent with the spirit and intent of the Regulations in that the WTP already exists on the property; is located in an area suitable for drawing water from Hillsdale Lake; and the lake was created, in part, for this purpose.

Reeves believes the City has an agreement with one of the neighbors with regard to providing screening.

She also reported that the City has a Stormwater Pollution and Prevention Plan in place and has performed a Stormwater Analysis as well.

Reeves concluded that use as a WTP is already established, and an expansion is critically needed by the City to meet water demands; the location of such use demands proximity to Hillsdale Lake, its source of water; and, approval of the CUP expansion is reasonable as long as negative impacts can be mitigated. She stated that staff recommends approval of the modification of the existing CUP for the expansion of the WTP, based on the findings and conditions in the staff report.

Elliott asked if there is just one existing CUP; and, if this is a request to add on to the existing CUP. Reeves confirmed.

Elliott then asked if there are any conditions that are now being added, which would require the City to retrofit lighting, signage, etc. Reeves responded that the existing CUP does not have many conditions.

Elliott and Menefee questioned how the County would enforce new conditions being placed on an existing operation.

Elliott clarified his question, asking how the County would ensure that any lighting on the existing structures that is not, for example, of shoebox design and directed downward is actually replaced. Reeves answered that we would simply ask the City to upgrade the lighting.

Elliott asked if the new conditions would apply to all existing structures, and not limited to those proposed to be added to the WTP. Reeves replied that the Planning Commission can certainly require that the new conditions are applicable to existing and future structures.

Reeves then read aloud the following conditions from the original authorizing Resolution No. R96-11-129 for 96011-CUP:

1. That all permits required by Miami County Zoning Regulations, Building Codes and Sanitation Codes be obtained prior to any construction of facilities at the site and that the owners of the above said site shall comply with all said regulations.
2. The applicant shall obtain a road entrance permit for the access road onto Moonlight Rd., from the County Department of Roads and Bridges and shall construct said entrance to County Standards.
3. Access to the site shall be provided by an all-weather road and shall be maintained by the applicant.
4. Four (4) parking spaces shall be provided and maintained on an all-weather surface.
5. Any signing shall comply with the provisions of Section 4-4.01.2 of the County Zoning Regulations.

Reeves explained that in 2005, the Board of County Commissioners added the requirement that the City pay for annual dust control on Moonlight Road.

Elliott noted that it appears proposed Condition Nos. 3, 4, and 7 are what is being added to the existing conditions for the CUP. Reeves confirmed.

There being no further questions for staff, Oehlert invited the applicant to speak.

Gonzalo Garcia (1150 E. Santa Fe St., Gardner) approached the podium and introduced himself as the Utilities Director for the City of Gardner. He then provided a brief history, including water restrictions being imposed on the City's residents as a result of the drought; the City Council's approval in November 2018 of the WTP expansion; and the City's selection in 2019 of the joint venture group of Burns & McDonnell and CAS Constructors for the preliminary design and construction of the WTP expansion.

Mr. Garcia referenced the Site Plan, submitted to the County on January 30, 2020. He explained that the Site Plan includes not only the new (2019) expansion, which he noted will accommodate an additional 4 MGD<sup>1</sup>, but also additional structures for the ultimate expansion, which will accommodate 12 MGD. He stated that the Site Plan shows the complete design for future expansion. He then invited questions from the Planning Commission.

Elliott asked if any of the eight (8) conditions listed in the staff report would present a hardship for the City. Mr. Garcia responded that the City has no issues with any of the conditions.

Ross asked Mr. Garcia if the City would be willing to change the existing lighting on its buildings to satisfy the following proposed condition:

7. All lighting shall be of shoebox design and directed downward to eliminate offsite glare.

Mr. Garcia replied that at night most of the light is on the north end of the building, but the City will make whatever changes are necessary to minimize light disruption to the neighbors.

Dana Weir, Senior Supply Engineer for Burns & McDonnell, interjected and noted that the existing light fixtures on the building are of shoebox design and directed downward, so they already comply with this condition.

Oehlert then opened the public hearing.

Ken Bingman (29310 W. 231<sup>st</sup> St., Spring Hill) approached the podium. He explained that he resides approximately one mile from the WTP itself. He stated that he will be presenting issues that the residents in the area are living with. Mr. Bingman noted that the first issue to consider is noise and dust created by the trucks when cleaning out the settlement ponds. Mr. Bingman stated that the trucks drive by incessantly for days, hauling gunk that has settled to the bottom of the settlement ponds. He explained that when the trucks stop and go at the STOP signs, the gunk sloshes back and forth inside the trucks' beds and leaks onto the roads, particularly at the STOP signs. Mr. Bingman added that the residents then drive through the gunk and track it into their garages. He expressed that this is not right and should not be happening.

Mr. Bingman added that at one time he personally paid \$1,000 to have blacktop laid in front of his house, but the City's trucks have almost completely destroyed the blacktop because it lacked the adequate base. He stated that it cost him more money to repair the blacktop, which he doesn't believe is right. With regard to dust, Mr. Bingman stated that he has paid for dust control, but it does not extend very far. He explained that as the large trucks are traveling from the east and driving in front of his house, they drag the dust with them and the wind then brings the dust into his house. He expressed that the dust control measures are therefore rendered useless.

Mr. Bingman offered what he believes to be a simple solution: the trucks cleaning out the settlement ponds could be routed to the north and onto 223<sup>rd</sup> Street, which is designed to handle the weight of those trucks. He stated that consideration should be given to the residents living in the area. He expressed that he's lived here for 50 years and loves where he lives; however,

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<sup>1</sup> Note: The City's narrative and supplemental information provided to the County in December 2019 notes 3 MGD.

during those times of the year when the settlement ponds are being cleaned out the standard of living for residents in the area is lowered very significantly. Mr. Bingman estimated that there are sometimes 10-20 trucks hauling, and often three or four trucks in a row will drive past his house. He questioned why the trucks cannot be routed to the north to take 223<sup>rd</sup> Street, instead of using small, gravel roads.

Mr. Bingman stated that he wants the City to have access to water, but there is a much better way to handle this than what is occurring now. He stated that he is speaking on behalf of several other residents: Larry Rosine, Charles Todd, David and Trish Dziadura, Jeff and Karen Finley, and Terry Michie.

Mr. Bingman reasoned that an increase in the water treatment capacity to 12 MGD will also result in an increase of the issues he's mentioned. He also noted that the problem occurs not only when the settlement ponds are being cleaned out, but also when clay is being hauled in to coat the bottom of the settlement ponds.

Mr. Bingman thanked the Planning Commission.

Fred Fraley (22750 Moonlight Rd., Spring Hill) approached the podium and stated that he happens to enjoy the 80-acre property that he just purchased, which is located directly across the street from the WTP. He stated that his is a \$1M house, which sits directly across from the WTP. Mr. Fraley stated that he was living on Moonlight Road in Gardner and has several properties up there, but decided that the property he just purchased will be a much nicer place to raise his family. He stated, however, that he hadn't lived there long before, the activity at the WTP began.

Mr. Fraley commented that the WTP sits on a 20-acre parcel, which is not an adequate size, considering that the City is proposing to increase the treatment capacity from 3 MGD to 12 MGD. He stated that he used to clean out the sludge pits at Atherton (Atherton Wastewater Treatment Plant), which had fields onsite that were rotated. He explained that they would spread the sludge in a field, wait for it to dry, and then disk it under. He further explained that by using this method the sludge does not leave the property. Mr. Fraley noted, however, that the sludge leaves this WTP ever since this operation began.

He added that perhaps the area near the WTP originally consisted of farmland and farmhouses, rather than houses of today's magnitude. He then expressed that the proposed increase in the water treatment capacity is mind-boggling, and he is offended and insulted that people would think the local residents are stupid enough to believe this increase will not result in an increase to the number of workers at the WTP, the traffic, the product coming into the WTP, or the residue from the WTP.

Mr. Fraley further commented that if Gardner is crying about not having enough water, then Gardner needs to stop building car washes because it has several of them.

With regard to the condition of Moonlight Road, Mr. Fraley commented that it is "just mud". He stated that they have not even moved into their house, and he has three cars that are too nice to be driven down Moonlight Road.



He encouraged the Planning Commissioners to drive down this road and see for themselves what is going on. Mr. Fraley again stated that he doesn't live in the house, but drove by it on his way to this meeting and saw all of the machinery out front on the WTP site and trees that have been removed. He stated that when the driveway is relocated additional trees will be removed. He added that when he bought his property and moved there everything on the WTP property was behind the tree line. Mr. Fraley told the Planning Commissioners that they have a real challenge to come up with something that will work in a residential area that has a commercial development that is way oversized and that was initially oversized. He commented that it should be self-contained to minimize the problems it's causing this really nice community. Mr. Fraley expressed that he gave up Gardner to move here, and now realizes this was a poor choice. He expressed that he hopes the Planning Commission will with, and not against, the local residents. He again encouraged the Planning Commissioners to drive past his house and put themselves in his shoes. He stated that he came to bring his family out here; every day he drives by; and, every day "these people" drive up and down the street.

Mr. Fraley concluded that there will be more business, more people, and more product. He noted that the WTP needs a minimum of 120 acres for its operations; and product will have to be brought in to take care of the water.

Mr. Fraley thanked the Planning Commission.

Norma Haraughty (27280 W. 231<sup>st</sup> St., Spring Hill) approached the podium, and expressed that they have a real problem. She stated that their property is located slightly to the south and west (east), and that they built their house on the creek. Mrs. Haraughty stated that when they purchased their property 40 years ago it was a quiet, little creek that she could step across; and, for over 30 years they worked hard to build a riparian area by planting trees and plants to hold the soil.

Mrs. Haraughty reported that when they objected to the WTP they were told three things: 1) it wouldn't be any noisier than a lawnmower; 2) the water quality would be as clear as the water coming from their tap; and 3) the water quality would always be clean and there would be no more water coming into the creek than what comes out of a garden hose, except only occasionally. She commented that they can live with the noise during the wintertime because they can't hear it when they are inside; and, in the summertime the noise is equivalent to a powerful lawnmower.

She then reported that the creek, which comes in at the back of their property, is eroding the bank their house sits on. Mrs. Haraughty explained that despite their efforts to stabilize the bank, the deck and the house are at risk of falling in if the situation worsens. She noted that the creek is usually a gentle trickle; however, once a day—like clockwork—a gush of water comes down the creek. She described a 4' deep pool in the creek, which has since silted in. She added that the trees have fallen in and the plants they've planted have all washed out. She noted that this has been blamed on heavy rains, but they've lived there for 30 years and the plantings were previously holding the bank.

Mrs. Haraughty stated that they have called the WTP as well as the State of Kansas to report this. She also stated that, periodically, “pure filth” comes down the creek, which she believes is sludge being dumped into the creek. She went on to describe such an occurrence one summer ago while her grandsons were playing in the creek, noting that the substance was so thick and so muddy they could not wash it off of their grandsons with a garden hose, and instead had to squeegee it off of them. Mrs. Haraughty explained that this is killing all of the plants along the bank and also goes into the lake. She noted that the whole area stays muddy and sludgy, and the rocks remain slick until there has been a heavy rain.

She expressed that she resents being told this is not happening, when it is happening. She commented that it is clear that they do not want to do anything about it. Mrs. Haraughty added that occasionally, and for an unknown reason, the water in the creek turns milky white and looks like glacier runoff. She noted that it’s not particularly dirty, but doesn’t think it can be good for the fish—if any remain. Mrs. Haraughty reported that subsequent to the “big sludge” occurrence she has noticed that the wildlife is gone, and that the goats and deer no longer drink out of the creek.

Mrs. Haraughty asserted that if the water treatment capacity is going to be four times greater the bank and the house will cave in. She expressed that this is a serious issue and that they need help and consideration. She stated that this past summer they installed a water line at the front of the property and reserved the rock so that it may be used to stabilize their bank. She commented that this is going to be quite costly for them, and it is caused by the WTP. She again expressed that they need help.

Mrs. Haraughty thanked the Planning Commission.

Bill Osborn (27223 W. 235<sup>th</sup> St., Spring Hill) approached the podium and urged the Planning Commission to request additional clarification regarding Gardner’s plans for future expansion. He referenced the portion of the meeting packet containing the applicant’s supplemental information, and noted that it indicates the old WTP will eventually be abandoned or phased out. He stated that he would like a better understanding of what this means, whether more land will be needed, and what the future holds.

Mr. Osborn thanked the Planning Commission.

Oehlert queried those in attendance to determine if any other individuals would like to speak. There being no response, he invited the applicant to respond.

John Mitchell of Burns & McDonnell Engineering and the Burns & McDonnell / CAS Constructors joint venture group approached the podium. He directed the Planning Commissioners to the applicant’s summary presentation slides in the meeting packet. He reported that the existing WTP has a capacity of approximately 4 MGD; and, the water demands in the City exceeded that capacity in 2013, and again in 2018. He explained that the City had to institute water restrictions in 2018 in order to provide a reliable water supply to existing customers.

Mr. Mitchell added that the 2018 master plans and facility plans evaluated those demands as well as how those demands are forecasted to change into the future. He explained that the analysis considered more than 20 different alternatives to expanding the WTP, which included potentially reactivating the treatment plant at Gardner Lake. He reported, however, that it was ultimately determined that this option was neither feasible nor economical. Mr. Mitchell added that another option included supplementing water supply from Johnson County WD #1; however, it was determined that the water chemistries are incompatible with one another; therefore, blending the two sources of water in the distribution system would cause degradation in the water quality being delivered to the customers in Gardner.

Mr. Mitchell referenced the applicant's table in the meeting packet and explained that it shows the existing capacity of the WTP as well as the forecasted demands up to the year 2040 (slide labeled, "Need for the Project"). He concluded that lack of water is clearly an imminent challenge for the City. He reported that ultimately, by 2040, it has forecasted that the City could need up to 12 MGD on a peak demand day. He explained that this does not mean the WTP would have to produce 12 MGD every day of the year, but only on the highest demand days of the year.

He then referenced the applicant's rendering in the meeting packet of how the WTP would look when it is fully built out and at 12 MGD capacity (slide labeled, "Facility Expansion View"). He pointed out that this would require only about 5 acres of the 20-acre parcel. Mr. Mitchell stated that the plan is to eventually phase out the old WTP. He explained that the useful lifespan of the equipment is about 25 years and the WTP is almost 23 years old. He added that the technological parts that are used in the WTP are inefficient and difficult to find, and it is very difficult to keep them operating reliably.

Mr. Mitchell explained that from an engineering standpoint the existing site can easily accommodate both this expansion as well as expansion into the future. Referencing the comment heard this evening concerning the Atherton treatment plant and disposal of its residuals, Mr. Mitchell pointed out that the Atherton plant has a 160 MGD capacity and treats wastewater, not drinking water. He explained that the type of residuals at the Atherton plant is completely different and is regulated differently by the federal government.

Mr. Mitchell directed attention to the Site Plan in the meeting packet. He stated that the first set of structures to be built out are the circular structures located in approximately the north, central portion of the Site Plan, which are carbon contact basins that help control taste and odor of the water coming from the lake. Mr. Mitchell explained that only one of these structures will be built during this particular expansion; but, there will ultimately be four. He then pointed to the filter building just to the east of the treatment basins, as well as a transfer pump station which pumps into two existing clearwells and one new clearwell. Mr. Mitchell stated that this is the extent of the expansion for water treatment at this time. He added that when the demand for water reaches approximately 9 MGD a future residuals basin will likely be needed, which may be seen on the west, central portion of the Site Plan.

Mr. Mitchell then explained the residuals basins, noting that residuals go into only one of two basins during a particular year, and then go into another residuals basin. He further explained that alternating the basins in this manner allows the residuals in the first basin to settle. He added that approximately once a year the basins are cleaned out.

He added that the City will ultimately need a second transmission line to bring finished water from the plant to the City and will need an expansion of the intake on Hillsdale Lake. He stated that the current intake can now bring approximately 6 MGD to the plant; so a larger intake will be needed on the lakeshore in the future.

Mr. Mitchell stated that what he has just presented is a synopsis of what will be built now, and what will be built in 2040, as currently forecasted. He then welcomed questions from the Planning Commission.

Kitchen asked how many tons of residue are being removed and hauled offsite when the residuals basins are cleaned once a year.

Mr. Mitchell clarified that one basin is cleaned about once a year.

Ms. Weir responded that it is based on cubic yardage and offered to obtain and provide this information. She explained that the City currently has only the two existing residuals basins, but this last year was worse because they are expanding into that area of the site. She explained that both basins were cleaned out, which meant that one of the basins was not able to be dried; therefore, what was removed from it was more liquid than is typical. She added that this was an atypical year and the amount of truck traffic was doubled from a typical year.

Kitchen asked what is being discharged into the creek. Ms. Weir responded that it is just clear water, equivalent to what comes out of the lake. She noted that organic material in the raw water coming into the WTP settles out, and the only addition to those basins is the powder-activated carbon, which is added for taste and odor removal. She explained that this all stays in the solid, and what comes off of the top of the basins is pretty clear. Ms. Weir noted that the discharge is regulated by the State of Missouri (Kansas), and is tested and reported on a monthly basis under an NPDES permit.

Kitchen asked if there is any phosphorus in the discharge, and Ms. Weir answered that there is not. She went on to state that Hillsdale Lake has very good water quality in terms of nutrient levels, and it is organic solids and sediment that are being removed from the water.

Kitchen asked what is being used to clean the water. Ms. Weir answered that it is a sedimentation process, using an alum-based salt, which settles out the particles. She reiterated that the carbon is added solely for taste and odor removal. She explained that algae blooms and the like are pulled into the carbon. She further explained that this all stays within the solid, and does not go out in the discharge from the lagoons.

Kitchen asked if the water is being tested on the discharge side. Ms. Weir responded that it is tested monthly and reported to the State.

Mr. Mitchell pointed out that the settling basins, which are sometimes referred to as “lagoons”, are not treating domestic wastewater, which would contain ammonia, nitrogen, and other similar constituents. He noted that the vast majority of the material in the basins is composed of sediments from the lake.

Kitchen asked whether KDHE conducts onsite testing or whether the City does its own testing and sends it to KDHE. Ms. Weir answered that the City performs the testing and sends it to State laboratories. She added that the State also frequently performs inspections of the operating plant.

Elliott asked if there is anything that can be done to minimize noise from the facility. Ms. Weir responded that the existing facility is completely contained within buildings and that there is no equipment outdoors. She explained that any noise can be attributed to deliveries made to the WTP during the 7:30 a.m. to 3:30 p.m. timeframe. She added that the new facility will have some new equipment—5-horsepower mixers, which will run continuously.

Oehlert asked if the mixers will be electric. Ms. Weir confirmed.

Oehlert then asked if any testing of noise levels has been undertaken. Ms. Weir responded that everything is required to be within the OSHA-required 85 dB range within a certain number of feet from the equipment. She explained that even if you are inside a building, you would be fine being near it on a daily basis.

Elliott explained that because the County receives many noise complaints and noise is a factor that is addressed in many of the CUP's, he is trying to determine whether a condition should be added to this CUP to address noise.

Collins asked if the WTP will have standby power. Ms. Weir responded that it currently has two standby generators—one that was installed in 1996, and the other during the 2006 expansion—that are tested on a monthly basis. It is her understanding, however, that the two generators will be replaced with one generator that will support the entire WTP.

Mitchell noted that standby power is not optional—it is required the State.

Kitchen asked if this is Gardner's only water source. Ms. Weir confirmed.

Kitchen then asked if the State is pushing for Gardner to find a secondary water source. Ms. Weir responded that emergency connections are standard for most utilities. She reported that the City has a connection with Johnson County WD #7, which has compatibility.

Brown asked if any attempt was made to clean up spills from the trucks. Mitchell responded that clean-up is part of a maintenance contract, which is not part of the services their group is providing. Ms. Weir added that she believes this was addressed with the City.

Garcia stated that the WTP has been operating for 20 years. He noted that the basins are cleaned out once a year; and, during his five years with the first City this is the first time that he's received complaints. Garcia explained that the sediments are usually very dry and a front loader loads them into a dump truck for disposal offsite. He further explained that this past year was very unusual because both basins had to be cleaned out in order to make room for the new expansion.

Brown again asked if any attempt was made to clean up spills from the trucks. Garcia asserted that no one contacted the City to notify them of an issue. He added that he received a phone call from the County's Road & Bridge Director J.R. McMahon, who advised that signs needed to be posted for traffic. Garcia stated that they did so, and never heard anything more from the County.

Kitchen asked if the City, in its contract with the truck drivers, could include a stipulation that the trucks go north to use the better road. Garcia responded that this shouldn't be an issue, and commented that this would be better.

Kitchen suggested that this could also be included as a condition to the CUP, and several Planning Commissioners agreed. Oehlert expressed that he agrees, but is not sure how it can be enforced.

Ross asked Garcia if the City has already agreed to chip and seal Moonlight Road. Garcia confirmed, and added that it will be from 223<sup>rd</sup> Street to the WTP.

Ross commented that the City should then make a condition that all of the truck drivers go north to 223<sup>rd</sup> Street, which can handle the trucks. He then summarized the concerns heard this evening: 1) truck drivers taking a southerly route to from the site; 2) spillage coming from the trucks; and 3) discharge into the creek. He noted that with regard to the second concern, an increase in capacity and residuals basins being cleaned only once per year *should* hopefully resolve the problem. Ross stated that what is being discharged into the creek has not yet been addressed. He expressed that he is personally concerned about what is going into Hillsdale Lake.

Referencing Mrs. Haraughty's previous comment concerning a gush of water that comes down the creek, Ross commented that whatever this is needs to be corrected.

Ms. Weir responded that discharge from the WTP is tested monthly and submitted to the State, and it is all within the NPDES permit. She explained that the only thing going from the WTP and into the creek is the clear water off of the top of the residuals lagoons, which is permitted by the State as an outfall into the creek. She further explained that a pipe runs up to the top of the creek and takes anything over the top of the lid of that pipe. She added that it's a continuous outflow of approximately 200 gallons per minute.

Kitchen asked Ms. Weir if water from the residuals basins is being used in the WTP. Ms. Weir responded that residuals that come off of the filters and from other treatment processes are what is being discharged into the residuals basins. She stated that the basins do not contain treated water that is part of the drinking water stream; rather, the basins contain waste product from the treatment process.

Kitchen asked Ms. Weir if the overflow from the residuals basins is what is being discharged into the creek. Ms. Weir confirmed.

Kitchen then asked about the size of the discharge pipe. Ms. Weir estimated that it is a 6" pipe, and she believes the new outfall will have a 12" discharge pipe.

Oehlert asked about the typical flow on a ½” pipe on a house. Oehlert and Kitchen estimated 20 gallons per minute. Ms. Weir responded that this is not a large flow and it is continuous. She added that a PVC pipe serves as an overflow from the basins to the creek. She again stated that it is permitted and reported monthly to the State.

Collins asked if the effluent water from the WTP is potable. Ms. Weir answered that it is not.

Collins asked if it is true that the water being put back into the lake is not any better than the water that was removed from the lake. Ms. Weir confirmed, and added that the water that goes back into the lake is the waste stream.

Oehlert commented that the water being put back into the lake is also not any worse than the water removed from the lake. Ms. Weir agreed. She added that it is tested for chemicals, E. coli, etc. on a monthly basis and reported to the State.

Oehlert asked about the capacity of Hillsdale Lake. Ms Weir answered that the City has a water right for 9 MGD. She explained that water rights are based on average daily usage; and if a water treatment plant can treat 12 MGD the average-day production would likely be closer to 8 MGD.

Oehlert clarified his question, and asked at what point the City begins draining the lake. Ms Weir responded that the State allocates water rights based on the annual yield for the lake.

Oehlert asked if 12 MGD will be as high as the City will ever go. Ms. Weir responded that 9 MGD is the average-day water right based on the yield the lake can produce, and that is what has been allocated to the City.

Kitchen asked how many feet of water is remaining to be given out. Ms. Weir believes the entire water right for Hillsdale has been allocated, and it is a shared water right.

Kitchen asked what the City will have to do in order to get more water. Ms. Weir answered that the water right is based on an annual average day, so 9 MGD supports a 12 MGD maximum day, which happens only a few days out of the summer. She noted that treatment plant capacities have to be based on maximum day production, whereas water rights are based on an average day.

Oehlert asked if the City must renew its water rights from time to time. Mitchell answered that those water rights have been allocated and perfected as well. He added that the participants in the inter-government agreement, which actually holds the water rights, have all allocated water rights amongst themselves. Mitchell noted that there is a little more left, but the group that has the water rights would have to agree among themselves how the small increment of remaining water rights would be distributed.

Oehlert asked who participates in that inter-government agreement. Mitchell was not certain. Kitchen asked if there are sufficient water rights to support the WTP. Ms. Weir confirmed. She added that a maximum day to average day ratio, depending on the community and the amount of industrial usage, can be anywhere from 2 MGD to 2.5 MGD. She noted that in the case of a treatment plant that can treat 12 MGD, its average day would typically be anywhere from 6 MGD to 8 MGD. She stated that this is still within the 9 MGD water right the City holds.

Mitchell reiterated that 12 MGD is a forecast for the future.

Brown asked why it is that the WTP, which has an ebb and flow in the amount of water it produces each day, would not also have an ebb and flow in the discharge being produced. Ms. Weir answered that 200 gallons per minute leaving the WTP is a fairly minimal ebb and flow and would be on an average day. She added that it would be 150 gallons per minute on a lower than average day and 250 gallons per minute on a higher than average day. She explained that the basin itself—the size of the lagoon—helps attenuate that, and that as it is filled it has the kind of capacity for sediments to drop out.

Brown asked about the distance between the discharge point into the creek and the lake. Ms. Weir responded that she was not certain of the distance, but offered to obtain this information.

Kitchen noted that a 7” rain will cause a lot of water to be flushed during the course of the rain. He further commented that a 6” discharge pipe likely will not keep up well during a 7” rain.

Mitchell responded that the lagoons are set up in such a way that they not capturing water or runoff from the site.

Elliott asked how the amount discharged into the creek will be affected when the WTP treatment capacity is increased to 12 MGD, and whether the amount discharged will be doubled. Ms. Weir reasoned that the current treatment system is not efficient; so, as the treatment capacity increases the percentage of waste of the water treated should decrease by approximately five percent (5%) as the new treatment facilities go in.

Elliott asked why a 12” discharge pipe will be needed. Ms. Weir guessed that the 6” pipe was likely undersized to begin with.

Elliott commented that it is difficult to believe that the flow will not be increased when the discharge pipe will be doubled in size. Ms. Weir stated that she is not completely certain the discharge pipe will be 12”, but offered to obtain this information.

Ross commented that he is still concerned about the water being discharged into the creek because it was heard this evening that the water is not clear. He noted that he wants to know how this will be resolved. Ms. Weir answered that she cannot find a logical explanation why anything being discharged from the WTP would be a “milky white” color, as heard during this evening’s public comments. She explained that the WTP is not a lime softening plant, which would typically include this type of a discharge, and that no lime is utilized on this site. She further explained that if you take a handful of what is in the lagoons, it is black as a result of the carbon and the sediment removed from the lake. She commented that she is completely baffled.

Menefee asked if samples are being sent off to KDHE. Ms. Weir confirmed.

Menefee commented that he deals monthly with KDHE, and is certain KDHE would be out there if there was an issue.

Mitchell pointed out that there are significant drainage areas upstream of the WTP that also contribute to this tributary.



Ms. Weir added that as part of the process to obtain the NPDES permit, which is up for renewal, the City is required to do an anti-degradation study to prove that the treatment process will not affect public health or impact the environment. She added that this has all been reviewed and approved by the State.

Oehlert closed the public hearing.

Kitchen asked if the City will not have enough water if this request were not approved. Reeves answered that she suspects that would be the case.

Oehlert asked if there is a precedent for not approving such a request. Reeves answered that there is not.

Oehlert noted that the City has water rights, so the job of the Planning Commission is to ensure that impacts to the surrounding community are mitigated and that standards are in place for this type of operation in this particular part of the County.

Elliott asked if there are any other conditions that would help mitigate the concerns heard this evening. He commented that he is worried about noise from the proposed machinery, which will be running continuously. He stated that he is not so much concerned about the 5-horsepower motors as he is the mixers that will be connected to them.

Ms. Weir noted that the mixers will be underwater.

Menefee commented that adding a condition that regulates the noise would help give peace of mind to the neighbors.

Elliott also suggested adding a condition that the road, which the City has paid to have improved, should be used. He asked Reeves about the plan for maintenance of Moonlight Road. Reeves responded that the City pays to upgrade the road, and the County will subsequently maintain that portion of the road.

With regard to enforcement of a truck route, Kitchen suggested having a sign posted at the WTP driveway that reads "No Commercial Traffic".

Ross suggested that this should apply to all commercial vehicles, including those that are making deliveries to the site.

Elliott asked if staff has any concerns about a potentially larger discharge. He asked if staff should request a study to determine if there will be impacts downstream.

Reeves responded that she is not certain what type of study could be requested to address this.

Elliott encouraged Mrs. Haraughty to collect samples, take video footage, and contact KDHE's complaint hotline. Mrs. Haraughty responded that they have already contacted KDHE.

Menefee asked whether the creek already had water running down it.

Elliott stated that it may have had water running down it, but now has an additional 200+ gallons per minute running into it that it didn't have previous to the WTP's existence. He noted that he is concerned with regard to protecting residents downstream because a discharge is happening. He stated that possibly there is no impact, but there is no information to prove whether or not it is having an effect.

Kitchen suggested that perhaps the discharge pipe could be buried alongside the transmission line, using the same easement, and discharge into the lake rather than into the creek.

Oehlert summarized the main concerns discussed this evening: 1) screening (already a condition of the existing CUP); 2) limiting the decibels at the property line to 70 dB (Reeves clarified that the decibel level at the property line should be 70 dB); and 3) establishing a designated route for all commercial traffic, which instructs drivers to take Moonlight Road north to 223<sup>rd</sup> Street.

Menefee commented that it would be good to have an erosion study, but he's not certain that any such study exists.

Elliott suggested that the Planning Commission involve Lesley Rigney, District Manager of the Miami County Conservation District, and accept any recommended condition that she provides as a recommendation of the Planning Commission to the Board of County Commissioners.

Elliott moved to recommend approval of 96011-CUP: Gardner Water Treatment Plant Expansion, based on the findings and conditions in the staff report; and, with the addition of three (3) additional conditions: designating a route for all commercial traffic to take Moonlight Road north to 223<sup>rd</sup> Street; limiting noise at the property line to 70 dB; and addressing discharged water per Lesley Rigney's recommendation, if any. Menefee seconded the motion, and the motion carried with seven (7) in favor of the motion (Broers and Manchester recusing).

Reeves announced that this will go before the Board of County Commissioners on February 26<sup>th</sup> at 1:00 p.m. She noted that any protest petitions must be filed with the County Clerk's office within 14 days from the close of the public hearing.

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## **Findings**

1. The Comprehensive Plan recognizes the need for increased water demands and recognizes Hillsdale Lake as a water resource.
2. The WTP has existed at this location since 1996, and it is reasonable to expect the site to expand as growth and water demands increase.
3. Based on recent real estate sales, there is no evidence to suggest that the proposed expansion to the existing WTP will detrimentally affect nearby properties or property values.
4. An agreement and funding is in place to improve the surface of Moonlight Road to chip and seal after construction, which will help reduce impacts from vehicles serving the WTP.

## Conditions

1. Except as amended by these conditions, the property shall be developed according to the site plan, attached hereto as Exhibit "A".
2. Except as amended by these conditions, the property shall be developed according to the applicant's narrative report, attached hereto as Exhibit "B".
3. The term of this conditional use permit shall be for an indefinite period or until the use ceases for a period of 365 continuous days.
4. Screening of the buildings and parking areas shall be provided with trees, landscaping, berms, fencing or a combination thereof. The trees shall be well maintained and replaced, if found dead, with a mixture of deciduous and evergreens at least six feet (6') tall.
5. Prior to relocating the driveway in the future, the applicant shall obtain a commercial entrance permit from the County.
6. Permits shall be obtained for any proposed signage.
7. All lighting shall be of shoebox design and directed downward to eliminate offsite glare.
8. Signage shall comply with the County Sign Regulations
9. All commercial traffic associated with the WTP shall drive north on Moonlight Road from the WTP to 223<sup>rd</sup> Street. No commercial traffic associated with the WTP shall be allowed to travel south from the WTP.
10. Any noise associated with the WTP shall not exceed 70 dB at the property line.
11. *Ms. Lesley Rigney, District Manager of the Miami County Conservation District, will conduct a site visit and will make recommendations, if any, to the Board of County Commissioners, for consideration of additional conditions, if necessary.*

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*Broers and Manchester returned to the Commission Chambers.*

## **Discussion – 16005-CUP: Sign - Free Spirit Kennels**

Reeves provided a brief background of the application, noting that it is associated with a CUP for a dog kennel in the Beagle community. She stated that the Regulations provide that the Planning Commission must approve all signage related to a CUP.

Reeves stated that the applicant was initially proposing to replace the existing banner sign on the fence with a 6' x 4' sign (24 sf); however, the proposal has changed to a 7' x 5' sign (35 sf). She explained that the applicant's fence is in the ultimate right-of-way; therefore, the sign must be located farther back to meet setbacks from the right-of-way. Reeves further explained that in order for the proposed sign to be seen above the existing fence it needs to be five feet (5') or six feet (6') off the ground; and, the only way to accomplish this is via a pole sign. She reported that the applicant is now proposing a sign that is six feet (6') high. Reeves then distributed the sign proposal.

Oehlert remarked that the sign will be 11' high, when accounting for its pole. Reeves confirmed, and noted it will be 11' high to the top of the sign.

Reeves explained that the applicant has the option of a wall sign, which could be no larger than ten percent (10%) of the building's façade, but the kennel building is small. She added that a monument sign, which would be another option, is too short to be seen past the existing fence because the posts for monument signs cannot be any taller than two feet (2'). Reeves reported that the applicant is therefore proposing a pole sign, located approximately 10' behind the fence so that it is out of the right-of-way.

Elliott asked if the problem is that the sign is currently on a fence in the right-of-way. Reeves answered that the sign is not supposed to be on the fence.

Oehlert asked if the proposed location would present a line-of-sight problem for traffic. Reeves explained that the driveway entrance is located farther south on the property and the kennels, which are on the north side of the property, run parallel to K-7 Hwy.

Reeves reported that the applicant would also like to add to the top of the sign a light that is directed downward. She noted that the applicant is supposed to submit additional information for staff to review and ensure it complies with lighting requirements.

Reeves advised the applicant that she would bring this to the Planning Commission to determine if the proposed sign could be built under Commercial District standards—which is allowed in the Regulations with approval by the Planning Commission—so that the same proposed sign structure may be used, but designed as a pole sign. Reeves stated in that case, the proposed sign can be no less than six feet (6') from the bottom; and the Planning Commission can stipulate that the sign may be no taller than what has been presented.

Elliott asked why the existing banner sign on the fence is a problem. Reeves answered that there is no provision for it.

Kenneth Cook interjected, and explained that the sign code specifies that the sign must be outside of the ultimate right-of-way; and the fence is in that ultimate right-of-way.

Elliott asked if the existing sign may be allowed as a condition of the existing CUP.

Reeves clarified that the applicant wants a new sign and no longer wants the existing banner sign.

Menefee moved to approve the sign as requested, according to the plan as presented, with the stipulation that the sign cannot exceed those dimensions. Kitchen seconded the motion.

Elliott asked if this would be considered to be an addendum to / modification of the existing CUP.

Broers stated that she presumes the motion is approving the new sign. Reeves confirmed.

Broers then asked if the neighbors have been notified. Reeves answered that the neighbors were not notified.

Broers commented that if she were one of the neighbors, who did not have an opportunity to come before the Planning Commission and provide input, she would be displeased, especially if the sign has lighting installed at the top, which is also perhaps not normal.

Reeves explained that she had not considered this because a sign had already been approved as part of the existing CUP; however, she understands Broers's concern, especially considering that the proposed sign is larger and includes lighting.

Menefee asked which elements of the proposed sign are changing from the approved sign—other than the size, which will be 11 sf larger.

Broers stated that the proposed sign will also be on six foot (6') posts.

Broers suggested that to the extent there may be notice requirements, it may be wiser to table this until next month.

The Planning Commissioners voted upon the motion on the floor, with three (3) in favor of the motion (Kitchen, Manchester, and Menefee), two (2) opposed (Broers and Ross), and four (4) abstaining (Brown, Collins, Elliott, and Oehlert). The motion died for lack of a majority.

Menefee asked whether this item must through the public hearing process; or, whether the neighbors simply need to be notified of the proposal.

County Counselor David Heger advised that it would be best to hold a public hearing so that there is no question about it.

Elliott remarked that this will also provide additional time to get more information on the lighting and the sign detail.

Menefee asked about the property's zoning. Reeves answered that it is in the Countryside (CS) District with a CUP for the kennel.

Broers moved to send **16005-CUP: Sign - Free Spirit Kennels** back for further review; notification of the neighbors; and a public hearing before the Planning Commission.

Elliott asked if this item will come before the Planning Commission in April, as there will not be enough time to notice it for the March meeting. Reeves confirmed.

Ross seconded the motion, and the vote was unanimous, (9-0).

## **ANNOUNCEMENTS BY STAFF / COMMISSIONERS**

Reeves announced that Miami County is hosting the Kansas Association of County Planning and Zoning Officials (KACPZO) conference on April 15<sup>th</sup> and 16<sup>th</sup>. She invited the Planning Commissioners to attend as well.

Oehlert and Elliott asked Reeves to send an email, detailing the dates, times, location and agenda.

Reeves reported that she had attended a solar energy discussion in Ottawa today, and the presenter has agreed to speak at the KACPZO conference. Reeves added that Larry Walrod has compiled solar energy regulations for Franklin County, and has also agreed to speak at the KACPZO conference.

There was general discussion about solar energy farms.

## **GENERAL DISCUSSION**

With regard to the staff report concerning Accessory Dwelling Units (ADU's), Ross remarked that the response received from RWD 2 essentially communicates that two (2) meters would be required. Oehlert commented that this was his interpretation as well.

Reeves reported that she reviewed the policies and procedures and the regulations posted on the RWD 2 website, as well as those of Johnson County WD #7. She concluded that they are nearly identical, and both districts want the ADU and the primary dwelling to be on separate meters.

Oehlert asked if the Planning Commission would like to continue discussion of this item to March to allow additional time to discuss it.

Menefee asked how the surrounding counties are addressing ADU's.

Oehlert suggested that Reeves check into this and bring it to the March meeting.

Reeves announced that a gentleman is present this evening to speak about a concept somewhat related to ADU's. The Planning Commission agreed to hear his comments.

Jim North approached the podium, and stated that he owns approximately 30 acres north of 231<sup>st</sup> Street and Spoon Creek Road. He then distributed a conceptual handout to the Planning Commissioners.

Mr. North stated that affordable housing for people with low and modest problems is a nationwide problem, and is true for this area as well. He reported that he has conducted research on small houses and has several statistics to present. He explained that when an individual or family is spending more than 30% of their gross income on housing they are considered to be housing burdened, which typically results in other things such as health care, etc., being given up. He also reported that almost 40% of workers in Johnson County make \$15 per hour, or less, which results in the inability to live in the communities in which they work. Mr. North explained that the impact is that these workers are spending time commuting, and are earning money in one city, while spending their earnings elsewhere. He also reported that small house

communities tend to be designed similar to RV parks. Mr. North explained that he has researched the Zoning Regulations for Miami County, and RV parks most closely match his concept.

He then directed attention to his conceptual handout. He explained that five (5) acres of his property would be designated for 25 RV spots measuring 55' x 75' with an adjoining five (5) acre tract, which would include a walking trail, a craft building, and a community garden space.

Mr. North explained that his community model includes tiny homes to small homes ranging in size from 400 sf to 700 sf. From a code perspective, he noted that he has also considered the safety of the homes' construction. He reported that he had visited a builder of these homes in Texas, and found that all of the homes are manufactured to RVIA certification, including fire protection, electrical, and plumbing standards.

He described the homes as "plug-and-play" homes, similar to an RV, that are self-contained with all of their appliances and HVAC included. He explained that they simply hook up to an RV type of set-up.

Mr. North reported that the price of the smaller homes is in the low to mid-\$30K range, and the 700 sf homes are priced in the \$60K-\$75K range. He stated that a person could live in the smaller home, rent the space, and the outside maintenance is included in the contract for the cost of one of the cheapest apartments in Johnson County. Mr. North expressed that he is not a developer, but a "do-gooder", who is trying to create an opportunity for people to own something they can afford—either on an interim basis or long-term. He reported that senior citizens, who are downsizing, are choosing these homes.

Menefee asked about wastewater plans for this community model. Mr. North responded that he has not yet pulled together an expensive comprehensive plan, as he was not certain his model would be permitted in Miami County.

Mr. North stated that he is hoping to do an RV park, which meets all of the qualifications of an RV park, with two exceptions: 1) the community will not necessarily be transient; and 2) in lieu of traditional RV's, the units will meet RVIA certification and will be safe.

He reported that in his discussions with Reeves, it appears that his concept is not yet a possibility in Miami County, unless the County is willing to make an exception. He expressed that he is not appearing on a formal basis, but wanted to present the Planning Commission with some information for future planning.

Mr. North expressed that existing codes do not support some of the things that make affordable housing possible.

Kitchen asked if units would be built onsite or moved in. Mr. North answered that the units are moved in.

Oehlert asked if the units are attached. Mr. North responded that the units are not permanently affixed to the ground, and will include tie-down straps and skirting. He added that many of the units include porches, as the porches cover the hitches used to transport them.

Mr. North explained that he would likely restrict the type of homes that could be in the community. He estimated that rent for a space that would accommodate a 700 sf home would be \$400 per month, or less. He also reported that a home of this size would likely qualify as an RV with a credit union or bank, and would be eligible for a 10-year loan.

Mr. North reported that he met with the owner of the RV Park in Hillsdale, and learned that the park utilizes a lagoon. Mr. North suggested that this could be an option for his community.

He reported that during his last discussion with Reeves she had indicated that the Regulations do not specifically support this type of housing. He expressed that he accepts the fact that this concept may not work in Miami County.

Mr. North thanked the Planning Commission for their time and welcomed their input in the future.

Ross moved to continue discussion on ADU's to the March meeting. Elliott seconded, and the motion carried unanimously, (9-0).

There being no further general discussion, Oehlert moved to adjourn the meeting. Kitchen seconded, and the meeting was adjourned by unanimous vote, 9-0, at 9:11 p.m.

Approved this 3<sup>rd</sup> day of March, 2020.

  
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Angie Baumann, PC Secretary

  
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Chair, Mark Oehlert / Vice-Chair, John Menefee

Minutes taken by Angie Baumann