

Item #5
CON2017-00007
MAPC- April 6, 2017

March 21, 2017

Members of the Commission:

My name is Terresia Dubois and I am here speaking on behalf of my husband, Glenn DuBois, and myself. We are the co-owners of the 160 acres of rural property located diagonally across from the land involved in the proposed zoning change. Since purchasing this property in the fall of 2014, my entire family, from the youngest grandchild to its eldest member, has poured thousands of hours of labor clearing this land to restore it to prime rural property. This work included the demolition and total clearing of an abandoned farmstead with outbuildings, the cutting of over a thousand cedar trees, and the recent pasture burn in efforts to restore the grassland area. Our goal is to develop a prime residential building site, similar to several of the home sites already established in the area. Our decision to invest in this property was because of the physical characteristics and recreational opportunities of not only this property, but of several of the surrounding homes in the area. If you look at exhibit #1, the letter from a Kansas Certified Residential Appraiser, property value is based on both physical characteristics of the property itself, as well as the surrounding areas that affect the view, air quality, noise quality and other environmental factors. All factors are considered by the potential buyer and seller and therefore play a direct role in impacting the market value. As much as the owner of the tiny house loves her home, beauty is truly in the eye of the beholder, and this tiny house does not fit into aesthetics of the surrounding neighborhood.

In preparation for this hearing, we have completed hours of research on the tiny house movement. What we found was somewhat disheartening in that tiny house owners are encouraged to look for "loopholes" or "fly under the radar" regarding existing building and zoning codes (Exhibit #2). Exhibit #3 identifies the benefits of the International Residential building Codes (IRC) which were established for the protection of public health, safety and welfare and encourages the open and honest code development process. Exhibit #4 is an article regarding a recent proposed update from the International Code Council hearing held in 2016 in Kansas City where the tiny house appendix was submitted to the ICC for consideration. On pg. 10 of this article it states, "We were told, in no uncertain terms, by an IRC official that if we kept the portion of our proposal that included 'moveable tiny houses' that he would throw out the entire proposal and we wouldn't have the chance to present it in Kansas City at all." After much debate, the motion to approve the proposal as modified carried and was voted on in November 2016. The results of that vote are on pages 11 and 12 of that packet and I believe it was approved as modified by public comment.

It is evident that tiny houses are a growing phenomenon across this country and Sedgwick County has been lax in their willingness to be proactive to provide appropriate guidelines so that property owners and tiny house owners don't end up as adversaries at a zoning hearing. The argument presented by Kathy Morgan, Senior Planner at the Wichita-Sedgwick County Metropolitan Area Planning Department, that they were going to approve this request because of the precedence established by their approval of two other conditional zoning changes for tiny houses is absurd. It is time for this commission to take a stand and admit there needs to be some guidelines for potential tiny house owners before continuing to just issue conditional exceptions. Exhibits #5 and #6 are examples of already established code

regulations for tiny houses in Missouri and Nebraska. Use those as guidelines and prevent further conflicts or research what was approved for the IRC.

In closing, we ask that the commission vote "no" to the proposed request made by John W. McKay, III to change the current zoning from strictly rural residential to a county conditional use to allow one vehicle RV campground. We regret the conflict and any potential hardship this has created with our neighbors and feel some of the blame should be put on this commission for their lack of leadership in addressing the tiny house issue and demonstrating a rather hap-hazard approach in resolving conflicts.

Sincerely,



Terresia and Glenn DuBois

7319 S. Spencer Rd.

Newton, KS 67114

I authorize Terresia DuBois to speak on my behalf at the Metropolitan Area Planning Commission hearing on March 23, 2017



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Amanda J. Samuel
20975 Via Contento
Yorba Linda, CA 92886
(913) 634-6841

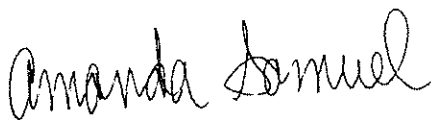
March 17, 2017

Dear Sir/Madam:

I am a Certified Residential Appraiser with licenses in Kansas, Missouri, and Texas. In my experience in appraising residential properties, it is my job to value a property based on both physical characteristics of the property itself, along with the surrounding areas that affect the view, air quality, noise quality, and environmental factors that immediately affect the subject property. All factors are considered by the potential buyer and seller, and therefore play a direct role in affecting market value. In general, a rolling hills landscape view is more desirable than a view of a nearby heavy industrial park. Using common sense, it is typical that a buyer is willing to pay more for a property that lacks any kind of negative influence than a property that will, or could potentially due to zoned use, negatively impact their view or environment.

I have not completed an appraisal of the property under proposed zoning change. I am merely offering a glimpse into some of the factors that an appraiser considers when preparing an opinion of value.

Thank you,



Amanda Samuel

Kansas Certified Residential Appraiser

License #: R-2841

Exhibit #1

The Tiny Life

Tiny House, Tiny Living, The Tiny Life.

Search for:



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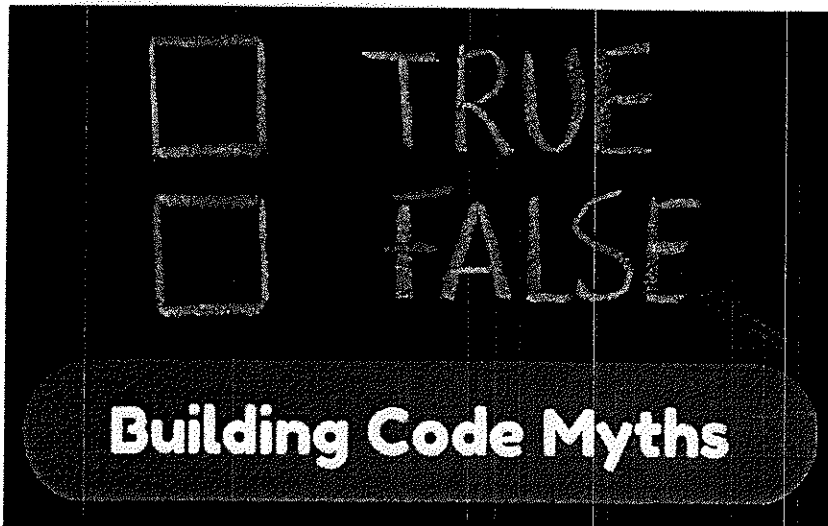
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Tiny House Building Codes

It's been a while since I did a post about how tiny houses deal with building codes, so today I wanted to share the top 5 myths about building codes, zoning and tiny houses.



Myth 1: I don't need a permit if it's under ___ sq/ft.

This is true, typically if you are building something under a certain square footage than you don't need a permit. The catch is there is an exception to this is and it's when you want to dwell/live in it. The second you place any personal property in that house, it is classified as "dwelling" and it doesn't matter if its 10,000 square feet or 10 square feet, you need a permit.

Myth 2: It's an RV, Mobile Home, Camper.

Again this true... If your home is being built by a certified RV or Mobile Home manufacturer; also important to note, to become a manufacturer it will cost you several thousand dollars, an LLC and an inspection process to ensure you meet all

Exhibit #2

500+ requirements. So you can't just build an tiny and and say "look! it's a RV or Mobile Home." To top it off once you do become classified as such, you often can only reside in certain zoning areas, which are fast disappearing. There is an exception to this: if your state has a "home built RV" class, but these are few and far between and more and more campgrounds and trailer parks refuse entry on them.

Myth 3: I can just say I'm "camping"

Somewhat true. Typically municipalities have limits of how long you can camp. This is often 2 days to 30 days in one spot or on one parcel of land. In the city I live in, you are legally not allowed to camp at all unless FEMA has declared a state of emergency. In some cases you can "camp" if you move every few days, but the city could also say "you're not camping, you're dwelling" and then its curtains.

Myth 4: They can't stop me! I'll do what I want.

In some places you're right. It's often the case that its not that they can't stop you, but they won't unless it becomes a big public issue. In most places they can stop you. They will come in and condemn you tiny house, which means if you enter it, they'll arrest you for being in your own home! They can also fine you, run a bulldozer through your house to destroy it, or deny you utilities like they did to me ([read about it here](#)). All of which they legally can do, have done and you have no recourse for.

Myth 5: It's on wheels codes/zoning don't apply.

This is a big myth perpetrated by those who want to make a quick buck of tiny house people. It is true that having a tiny house on wheels will help things generally because it confuses the bureaucrats, you can move it so easily, etc. But the truth is that the second you dwell in it, all bets are off and the city can do what they want.

So what can I do???

There are two approaches to this: 1) you can beat them at their own game and know how to leverage the codes 2) you can fly under the radar. Each of these have their pros and cons. To get a better understanding of these things I have an ebook of how you can work within the system to gain legal status with your tiny house. I show you the key barriers for tiny house folks, offer possible solutions and give you strategies to beat the system. I also show you how to fly under the radar, how to live in your tiny house without getting caught. Both are covered in Cracking The Code: A guide to building codes and zoning for tiny houses.

Buy Now - \$15

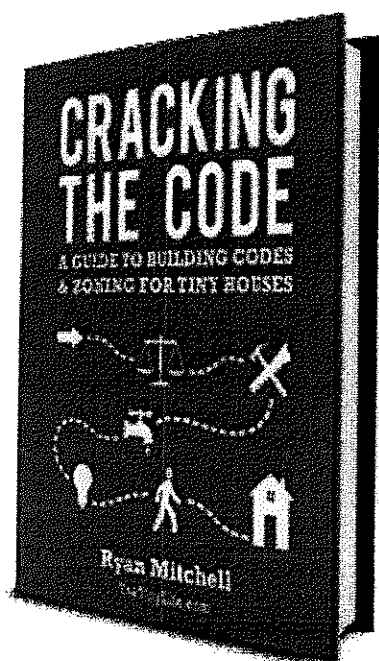


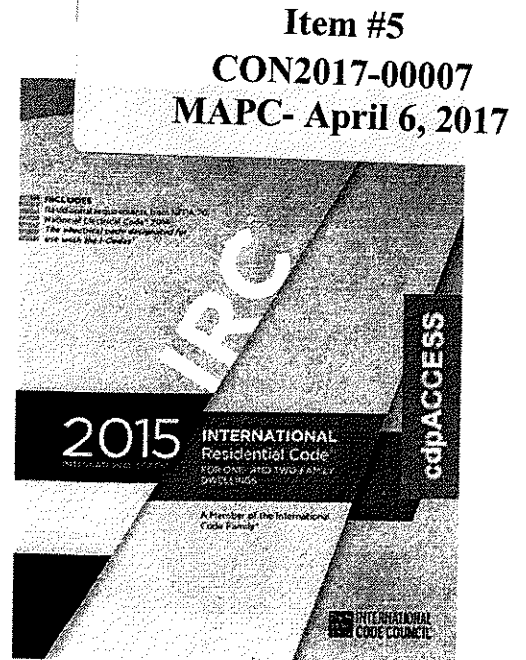
Exhibit # 2

P.2

Benefits of the IRC:

- The IRC contains a complete set of code provisions, covering all aspects of construction in a single source, including:

- Building
- Energy conservation
- Plumbing
- Mechanical
- Fuel gas provisions included through an agreement with the American Gas Association
- Electrical provisions from the 2014 National Electrical Code® (NFPA 70)



-
- The principles of the IRC are based on protection of public health, safety and welfare.
 - The IRC results in efficient designs that provide flexibility for the code official, designer engineer and architect.
 - Provisions of the code encourage the use of new and smarter technological advances.
 - The IRC emphasizes both prescriptive and engineered solutions and allows the use of time-tested methods.
 - The IRC references nationally developed consensus standards.

LIVE CHAT



Today's IRC is known for:

- Safety – It provides prescriptive requirements for framing and foundations as well as a proven track record providing safe and sanitary plumbing installations.
- Ease of Use – The IRC uses the same easy-to-use format provided in all I-Codes.
- Embrace of New Technology - The IRC and its predecessors have a tradition of innovation while protecting the health and safety of the public.
- Correlation – The IRC is specifically correlated to work with ICC's family of codes.
- • Open and Honest Code Development Process - The IRC is revised on a three year cycle through ICC's highly-respected consensus code development process that draws upon the expertise of hundreds of plumbing, building and safety experts from across North America.

Exhibit #3

Code Development

Current Version: 2015 IRC

- [Click here to purchase the 2015 IRC.](#)

Upcoming Version: 2018 IRC Development

The International Residential Code provisions provide many benefits, among which is the model code development process that offers an international forum for residential construction professionals to discuss prescriptive code requirements. This forum provides an excellent arena to debate proposed revisions.

cdpACCESS

- [Click here for the 2018 Code Development Schedule](#)
- [Click here for cdpACCESS.](#) Learn more about ICC's new web-based code development process called cdpACCESS.

LIVE CHAT

Adoptions

Adoptions of the IRC

The International Residential Code (IRC) is in use or adopted in 49 states, the District of Columbia, Guam, Puerto Rico and the U.S. Virgin Islands.

- [Maps for I-Code Adoption information](#)
- [State Adoptions](#)
- [Jurisdiction Adoptions](#)



As a model code, the IRC is intended to be adopted in accordance with the laws and procedures of a governmental jurisdiction. When adopting a model code like the IRC, some jurisdictions amend the code in the process to reflect local practices and laws. [Click here for additional code adoption resources and for sample adoption ordinances.](#)

Publications



Exhibit #3 p 2

Search Here

myICC

ICC Home

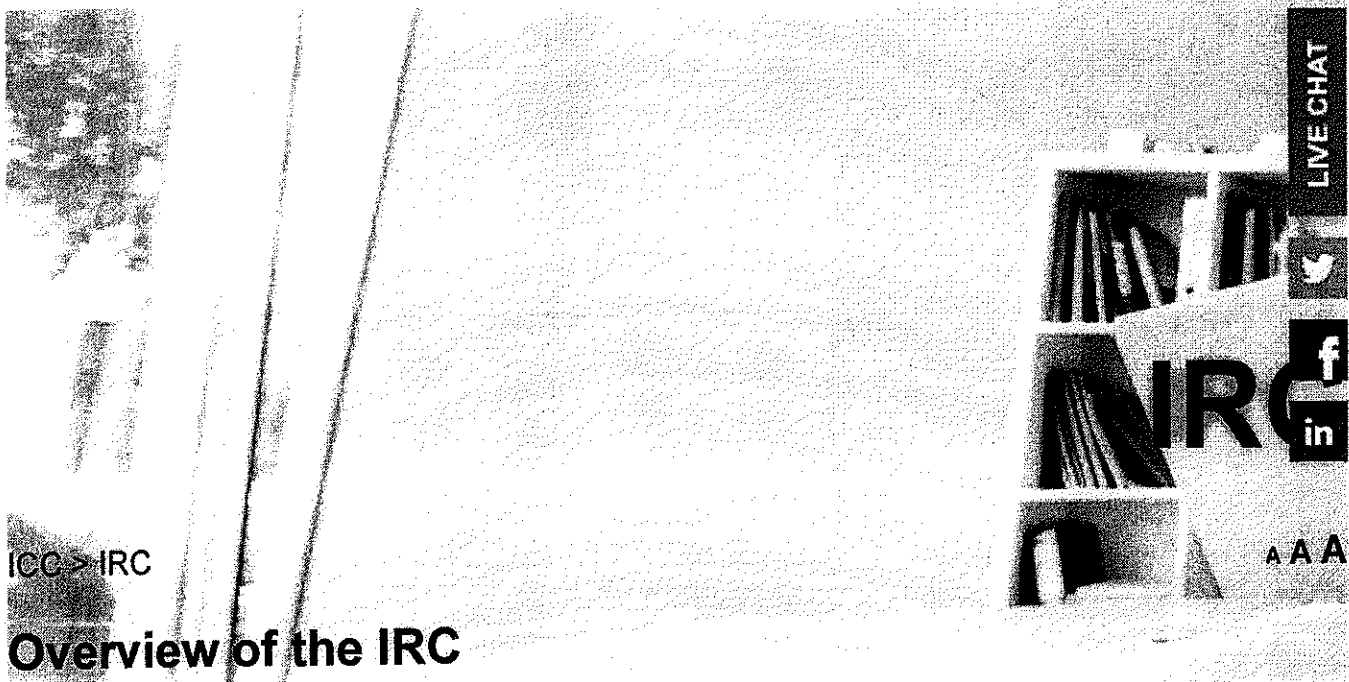
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Overview of the IRC

Internationally, code officials recognize the need for a modern, up-to-date residential code addressing the design and construction of one- and two-family dwellings and townhouses not more than three stories above grade. The International Residential Code is designed to meet these needs through model code regulations that safeguard the public health and safety in all communities, large and small.

This comprehensive, stand-alone residential code establishes minimum regulations for one- and two-family dwellings and townhouses using prescriptive provisions. It is founded on broad-based principles that make possible the use of new materials and new building designs. This 2015 edition is fully compatible with the Family of International Codes.

Exhibit #3 pg 3

FREE 7 DAY
E-COURSE

CLICK HERE



Update from the ICC Hearings in Kansas City

by Andrew on October 25, 2016 in **Codes and Zoning, Helping Each Other/Inspiration, Zoning/Codes**



I know many of you have been waiting patiently for an update from the International Code Council (ICC) Hearings in Kansas City. As I write this, I'm in flight on my way back home and Gabriella is on her way to Seattle area. As much as we are exhausted, we want to get this update to you so that you can get a sense of what the experience was like.



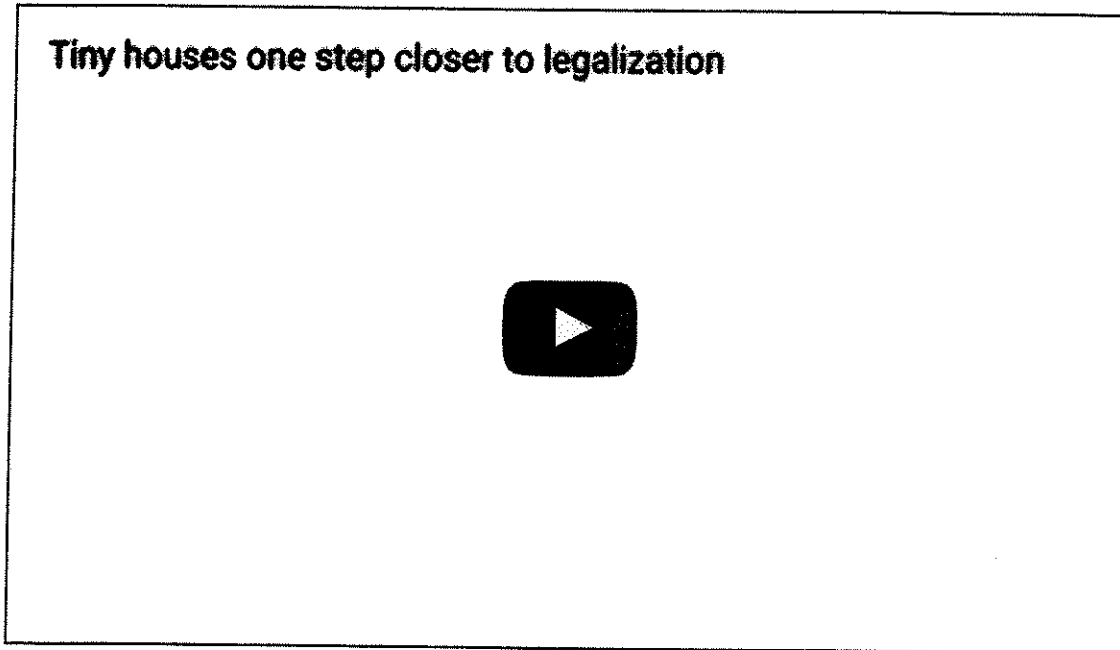
Here's the summary: we cleared two **major** hurdles on the track to approval of tiny houses in the international residential building code (the IRC). We are **PSYCHED**, BUT to be clear, we have NOT received the complete and final approval. There is one more significant step in front of us that will take place

Exhibit #4

p. 1.

over the course of this next month. We have more work ahead of us but we truly had the very best outcome possible at the hearings.

Check out this short video we made right after the approval.



OKAY...SO HOW DID WE GET HERE?

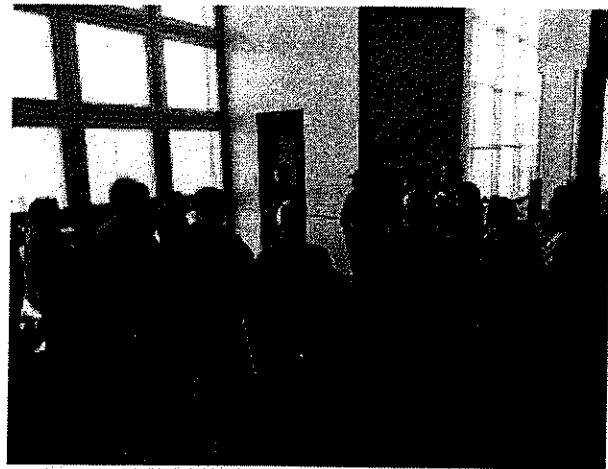
Weeks before the hearings actually began, I assembled a group of some of the finest tiny house folks I know to create a team to defend the tiny house proposal. This team included Macy Miller, BA Norrgard, Jeremy Weaver, Meg Stephens, James Herndon, Zack Giffin, and David Latimer. Our team had the honor of being mentored by ICC hearing veterans Martin Hammer and David Eisenberg. Martin and David were co-authors of the straw bale code that was recently added into the 2015 IRC. They know all about presenting new technologies to the ICC, including dangerous pitfalls to stay clear of. We were humbled to have their guidance and owe a huge part of the success of the hearings to them.

We were also incredibly fortunate in that Christian and Alexis of TinyHouseExpedition.com were there to film the entire experience for their documentary "Living Tiny Legally". We should add that this is the first time in ICC history that the code council has granted permission for an outside film

crew to tape inside the hearing room. A huge thank you to both of them for documenting the entire event and an equal thank you to the code council for granting them this unprecedented access!

Alexis and Christian's upcoming video will give you a front row view of our process from the planning stages all the way to the final celebrations. If you feel inspired, please consider donating to their efforts as they are going to be putting a *significant* amount of time into editing all the footage they captured. You can donate on their website [HERE](#). They are tiny housers themselves and have been traveling the country documenting the monumental changes that have been happening in the legalization of tiny houses.

On Saturday morning we met with a group of tiny house supporters who had made the trip to the convention center to rally behind our team. We'd like to extend a HUGE thank you to every single person who came out. Some of you came from out-of-state, some from the local area, and we were touched that so many made a significant effort to be there. It felt **great** knowing you all had our backs!



After the meeting with our extended tiny house family, we gathered our team of defenders to talk strategy and to begin to unify our efforts. We broke off into a side room and got to work.



We had two phases of arguments/testimony to prepare for: Phase 1 and Phase 2, and a lot of time and effort went into each draft. With a team of ten presenters with two phases of testimony each, we



spent most of the day inside a quiet, windowless room.

Even though it was hard and hyper-focused work, we of course managed to have a great time...there's never a shortage of fun when tiny housers get together. Random quotes from "Dumb and Dumber", bad jokes, and hilarious stories coupled well with Gabriella and Hazel (Macy and James' 2 1/2 year old daughter) building chair castles and putting out imaginary fires in the background. Miles (their one year old) spent his time running laps in the giant, empty conference room with someone trying to keep up with him pretty much the whole time. We were truly a village working towards a common cause and we quickly coalesced into a powerful force-for-change.

After dinner on Saturday, we headed to our hotels, AirBnB's and homes to rest up for (potentially) the big day. At this point, we still had no idea if our public comment would be heard the following day (Sunday) or the one after (Monday) which added significant challenge to the mix.

We gathered again on Sunday morning and began working on the "Phase 2" testimonies. After several dry runs, we felt ready to present our case. As we were watching the live-feed of the proceedings on a computer, we could feel the steady pace at which officials were blazing through the other public comments/proposals and our



stomachs began to turn in anticipation. With about 2 hours to go, we made our way to the Great Hall and settled in the best we could.

Exhibit #4

4.

THE NUTS 'N BOLTS ON HOW THE PROCESS WORKS

With the help of Martin Hammer and David Eisenberg, I wrote the tiny house appendix (known as case number RB-168-16) and submitted it to the ICC in the form of a public comment. This appendix was a direct response to a proposal originally submitted at the ICC Committee Hearings in Louisville, KY this last April. The original proposal was written by a retired building official out of Oregon who is not part of the tiny house community per-se. Because it was not well written, it was immediately denied by the action committee in April.



Martin tipped us off a couple months ago that we may be able to essentially "re-open" that case for this Kansas City hearing and request that it be "approved as modified by the public comment". Martin and I spent the next 7-8 weeks working full time on a new proposal to submit to the ICC for inclusion in this hearing. The timing was extremely short but we managed to not only submit the proposal by the deadline but also to get it approved for the official hearing schedule. This was not without its own set of drama and anxiety but that's a different story for another time.

Our first objective at the hearings was to overturn the original denial of RB-168-16. In order to do so, we would need to receive a simple majority vote from all voting ICC members in attendance at the hearings. If we received the go-ahead from the ICC to essentially re-open the case, we would move on to Phase 2. We were pretty confident that they would at least be willing to re-open the case but it was Phase 2 we knew would be our biggest challenge.



During Phase 2 we would each need to present a statement no more than two minutes long, defending every code alteration request. We would also need to rebut all opposing comments from

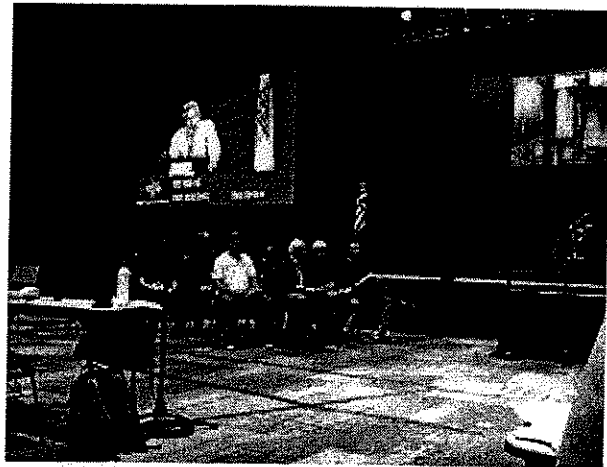
Exhibit #4

other ICC members but would only be allotted one minute each for that task. Of course we would have no idea what comments, concerns, and questions the opposing side might have, so we prepared for the worst.

Our ultimate goal at these hearings was to receive a "Yes" vote from 2/3 or more of all ICC voting members in attendance during phase 2. A 2/3 vote would be enough to move the proposal onto the next level of voting. A "No" vote would mean that our proposal was dead in the water and that we would need to wait three years until the next ICC code cycle before being allowed to try again. By the way, we needed to win a 2/3 majority from a group of roughly 120 ICC members made up of building officials, fire marshals and the like.

STEPPING UP TO THE STAGE

When our turn came to defend RB-168-16, we stepped to the front of the room and sat next to the microphones. Our team of ten was ready to go and it was showtime. I stood up as the first speaker to request a motion to re-open the public comment and was surprised when a stranger beat me to the mic.



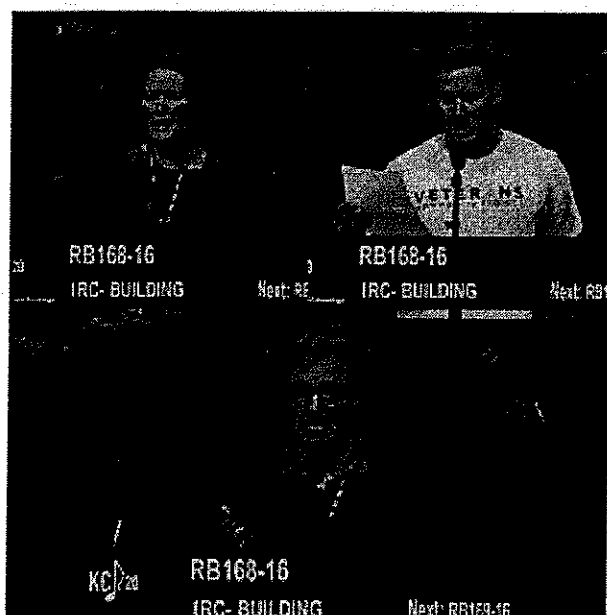
He stated that the voting members should vote yes to re-open the comment and at least give us a chance to present what we had prepared. This happened a couple more times before I was finally able to reach the mic to speak. We couldn't have asked for a better opening or better endorsements from the ICC community itself.

The most amazing thing is that as our team continued to read each statement, more and more building officials came up and spoke on our behalf. Some faces were familiar but most were completely unknown to any of us. In fact, so many ICC members spoke that we decided to stop our

Phase 1 testimony and instead opted to allow for the vote to re-open the public comment to be called. For us to win this first stage we only needed a simple majority vote; however, we were a little nervous because we had just witnessed all but one of the proposals ahead of us get shot down during Phase 1. The track record didn't look very promising.

By a show of hands we could see that much more than 50% of voting ICC members had raised their hands and we heard the moderator say the words we had been praying for: "the motion is denied (that's a good thing as it meant the original motion was overturned) and we call for a new motion on the floor."

We made a motion to have our public comment heard and a building official in the audience seconded it, allowing us to proceed. As much as we were excited, we didn't have time to celebrate. We moved immediately to Phase 2 testimonies. We continued through our ranks and once again building officials stood and spoke in our support, this time to approve the public comment and appendix.



Eventually, we finished our testimony and the opposition was invited to speak. They raised several points of concern, but in truth, none were hostile or even major oppositions. Even the self-proclaimed "bad guy" confessed to the audience that his wife is obsessed with "those tiny house shows". We responded to their concerns in the rebuttal stage.

Finally it was time for a vote. What's amazing is that before our comment was heard, the number of people in the

Exhibit #4 p. 7.

room had swelled considerably. Clearly, this was an interesting topic and many had come to watch, listen, and vote.

As the moderator called for the vote, we watched the hands go up in support, followed by the hands in opposition. It was too close to call if 2/3 majority had been reached so the moderator asked for each voting member to stand in support and then in opposition while ICC staff walked around the room and tallied each vote count in each quadrant. We had only seen this process happen once before in our hours of watching the proceedings before hand.

When the count was tallied, the moderator announced, "the motion to approve the proposal as modified by the public comment carries." We had won and were now one step closer to a national model code for tiny houses!!!! The final vote count was 81 in favor and 34 against. Five over the 2/3 majority required. There were tears of joy, ear-to-ear smiles, and even some applause from the building officials and fire marshals (I don't think that happens too often in this domain).

After the win we all moved into the hallway and met with several building officials that approached us to congratulate us on our efforts. We received numerous compliments on our professionalism and exceptional organization. Several officials offered their help to get the next step passed.



A few officials told us that what we had achieved was truly historic.

They had never seen a major code change, such as the one we presented, pass on the first attempt. They said it is much more common for a new provision to take two to three code cycles before approval. Since each cycle

is three years long, the norm is for proposals to take anywhere from six to nine years for approval!

We did it on the very first go around and for that I am very proud of our team, our preparation, and our follow through. We were even able to "turn" several ICC voting members who had planned to vote against us to ultimately stand in our support.



After basking in the victory with all the tiny housers that showed up in support, we took our celebration to the streets of Kansas City for a night out on the town. Even as we celebrated though, we knew that our efforts to get this code approved were not over, and that we would be back to work the following morning.

SO WHERE DO WE GO FROM HERE?

I want to be REALLY CLEAR...we are not done yet and the appendix has NOT BEEN APPROVED at this time. We still have work ahead of us. The final vote will take place during a two week window that starts on November 8th. All voting members of the ICC across the country will have the opportunity to vote electronically.

We need to win yet another two-thirds majority of those votes in order to have the appendix officially approved. With up to 20,000 voting members, our efforts have to be strong, coordinated, professional, and in line with ICC protocol to drum up the support we need.

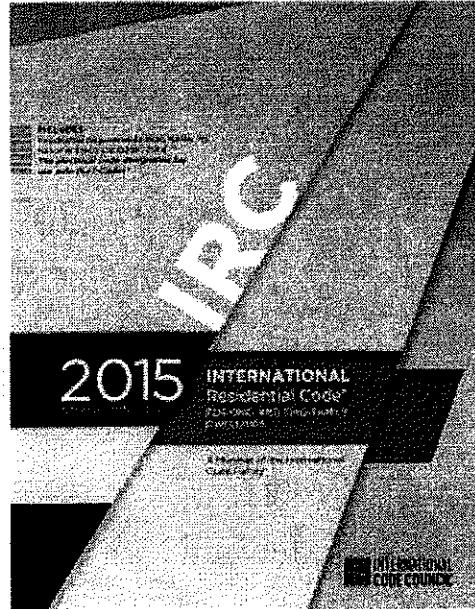
We will be putting out a specific call-to-action in the days to come. WE WILL NEED YOUR HELP! The key now is that we don't want anyone to start making phone calls, writing letters or emails, or otherwise take any

Exhibit #4 p. 9.

steps until we've released the plan of action. We are creating a coordinated, concise, and respectful effort to get the word out to voting ICC members. Stay tuned for more...

WHAT DOES IT MEAN IF IT FULLY PASSES?

You may be wondering what the approval of this appendix would mean for you and/or for the tiny house community in general. I like to be an optimist, so I'll say WHEN we get the approval, tiny houses will be added to the International Residential Code (IRC). This is the model code in the entire US (except Wisconsin), Guam, Puerto Rico, DC, and the US Virgin Islands for one and two family dwellings (i.e. residential construction). Please click [here](#) to learn more about the appendix in question and to read it for yourself.



The IRC is what nearly all building departments base their codes on in residential construction. Each jurisdiction may modify the code to fit their specific needs, but the starting point is the IRC. When the tiny house appendix is approved within that code, it will mean that you can go to any building department that has adopted the appendix and use it to build your tiny house...legally!

✱ One note is that as we've mentioned in previous articles on this topic, this appendix does not currently apply to tiny houses on wheels. It covers all other aspects such as the use of lofts as sleeping areas, ceiling heights under lofts, emergency egress, loft access, and more. We were told, in no uncertain terms, by an IRC official that if we kept the portion of our proposal that included "movable tiny houses" that he would throw out the entire proposal and we wouldn't have the chance to present it in Kansas City

Exhibit #4 10.

at all. Again, you can read more about our appendix [HERE](#). It is my strong belief that the details of this appendix will help *everyone* in the tiny house movement, not just those individuals building on a foundation. I'll write more about this topic in the coming weeks once our current efforts are taken care of.

Note that I say that the code would be in place in jurisdictions that have *adopted* it. That will be another battle for us in the future: getting states, counties, and cities to officially adopt the appendix into their local code. It is not a shoe-in because the IRC appendices are not automatically accepted along with the rest of the code and have to be individually adopted by each jurisdiction. That is something we will have to work for. Fortunately, most jurisdictions we have communicated with are seeking something in the code that specifically address tiny houses so that they can know what to do with all the requests they're receiving. Chances are good that many will adopt the appendix as a result.

That comes later though. For now, let's stay focused on our immediate task at hand: getting the two-thirds majority we need for the overall approval by the ICC. As I mentioned, we will be putting out a specific call to action in the coming days. Please look for it and please take the action described within it to help us make this a reality for our tiny house families across the country. Until then, I ask that you wait patiently and don't start taking any action to contact your building officials on behalf of this proposal.

We want to once again thank all of our donors that enabled our entire team to be in attendance at the hearings. I truly could not have done this without their help. From the bottom of our hearts to yours...THANK YOU!

Onward!

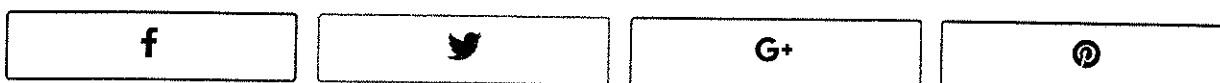


Exhibit #4 p 11.

FINAL ACTION RESULTS ON THE 2016 PROPOSED CHANGES TO THE INTERNATIONAL CODES – GROUP B

Updated 2/24/2017
See highlighted corrections

The following is a comprehensive list of the Final Action on the 2016 Group B Proposed Changes to the 2015 Editions of the following *International Codes*:

Administrative Provisions of the International Codes (ADM)
International Building Code – Structural (S)
International Energy Conservation Code – Commercial (CE)
International Energy Conservation Code – Residential (RE) and International Residential Code – Energy (RE)
International Existing Building Code – Structural provisions (EB)
International Fire Code (F)
International Residential Code – Building (RB)
International Wildland-Urban Interface Code (IWUIC)

This Final Action includes portions of the following International Codes maintained by Group B Code Development Committees as designated in the "Group A and Group B Code Development Committee Responsibilities" matrix.

International Building Code – Egress (E)
International Building Code – Fire Safety (FS)
International Building Code – General (G)
International Fuel Gas Code (FG)
International Mechanical Code (M)
International Property Maintenance Code (PM)

This includes the items considered at the 2016 Public Comment Hearings in Kansas City, MO, **October 19-25, 2016**. For those code changes considered at the Public Comment Hearings, the final action was determined based on the Online Governmental Consensus Vote (OGCV) held November 8 – 27, 2016. See page 16 for results of the OGCV.

Approved changes from the 2016 Cycle will be published in the 2018 *International Codes*.

LEGEND:

AS Approved as Submitted
 AM Approved as Modified at the Committee Action Hearing
 → AMPC Approved as Modified by Public Comment
 D Disapproved
 WP Withdrawn by Proponent
 NU Number Not Used

<u>CODE CHANGE</u> <u>NUMBER</u>	<u>FINAL</u> <u>ACTION</u>	<u>CODE CHANGE</u> <u>NUMBER</u>	<u>FINAL</u> <u>ACTION</u>	<u>CODE CHANGE</u> <u>NUMBER</u>	<u>FINAL</u> <u>ACTION</u>
ADMINISTRATIVE PROVISIONS					
ADM1-16 Part I.....	AS	ADM4-16 Part III.....	AS	ADM9-16 Part III.....	D
ADM1-16 Part II.....	AS	ADM5-16 Part I.....	D	ADM9-16 Part IV.....	D
ADM1-16 Part III.....	AS	ADM5-16 Part II.....	AS	ADM10-16 Part I.....	D
ADM1-16 Part IV.....	AS	ADM6-16 Part I.....	AMPC1	ADM10-16 Part II.....	AMPC1
ADM2-16 Part I.....	AS	ADM6-16 Part II.....	AM	ADM11-16 Part I.....	AM
ADM2-16 Part II.....	AS	ADM6-16 Part III.....	AM	ADM11-16 Part II.....	D
ADM2-16 Part III.....	AS	ADM6-16 Part IV.....	AM	ADM12-16 Part I.....	D
ADM2-16 Part IV.....	D	ADM7-16 Part I.....	D	ADM12-16 Part II.....	AS
ADM3-16.....	AS	ADM7-16 Part II.....	AM	ADM13-16 Part I.....	AMPC1
ADM4-16 Part I.....	AS	ADM8-16 Part I.....	AM	ADM13-16 Part II.....	D
ADM4-16 Part II.....	AS	ADM8-16 Part II.....	AS	ADM14-16 Part I.....	AS
		ADM9-16 Part I.....	AMPC1, 2	ADM14-16 Part II.....	AS
		ADM9-16 Part II.....	AMPC2	ADM15-16 Part I.....	AS

<u>CODE CHANGE</u> <u>NUMBER</u>	<u>FINAL</u> <u>ACTION</u>	<u>CODE CHANGE</u> <u>NUMBER</u>	<u>FINAL</u> <u>ACTION</u>	<u>CODE CHANGE</u> <u>NUMBER</u>	<u>FINAL</u> <u>ACTION</u>
RB78-16.....	D	RB135-16.....	D	RB192-16.....	AM
RB79-16.....	AMPC1	RB136-16.....	D	RB193-16.....	D
RB80-16.....	D	RB137-16.....	D	RB194-16.....	D
RB81-16.....	AS	RB138-16.....	D	RB195-16.....	AS
RB82-16.....	AM	RB139-16.....	AS	RB196-16.....	D
RB83-16.....	D	RB140-16.....	D	RB197-16.....	D
RB84-16.....	D	RB141-16.....	D	RB198-16.....	AS
RB85-16.....	D	RB142-16.....	D	RB199-16.....	D
RB86-16.....	D	RB143-16.....	D	RB200-16.....	AMPC1
RB87-16.....	D	RB144-16.....	AS	RB201-16.....	D
RB88-16.....	D	RB145-16.....	D	RB202-16.....	AM
RB89-16.....	AS	RB146-16.....	AS	RB203-16.....	AS
RB90-16.....	D	RB147-16.....	D	RB204-16.....	D
RB91-16.....	D	RB148-16.....	D	RB205-16.....	AM
RB92-16.....	D	RB149-16.....	D	RB206-16.....	AS
RB93-16.....	D	RB150-16.....	AS	RB207-16.....	AS
RB94-16.....	D	RB151-16.....	D	RB208-16.....	AS
RB95-16.....	D	RB152-16.....	D	RB209-16.....	AMPC1
RB96-16.....	AMPC1	RB153-16.....	D	RB210-16.....	AS
RB97-16.....	D	RB154-16.....	AS	RB211-16.....	D
RB98-16.....	D	RB155-16.....	D	RB212-16.....	AS
RB99-16.....	D	RB156-16.....	D	RB213-16.....	AS
RB100-16.....	D	RB157-16.....	D	RB214-16.....	AS
RB101-16.....	AS	RB158-16.....	D	RB215-16.....	D
RB102-16.....	D	RB159-16.....	D	RB216-16.....	D
RB103-16.....	AM	RB160-16.....	AMPC2	RB217-16.....	AMPC1
RB104-16.....	AS	RB161-16.....	AMPC1	RB218-16.....	AM
RB105-16.....	AS	RB162-16.....	AS	RB219-16.....	AS
RB106-16.....	D	RB163-16.....	D	RB220-16.....	AS
RB107-16.....	AS	RB164-16.....	AS	RB221-16.....	AM
RB108-16.....	AM	RB165-16.....	AS	RB222-16.....	D
RB109-16.....	D	RB166-16.....	AS	RB223-16.....	D
RB110-16.....	AS	RB167-16.....	AS	RB224-16.....	D
RB111-16.....	D	RB168-16.....	AMPC1	RB225-16.....	D
RB112-16.....	AS	RB169-16.....	D	RB226-16.....	AS
RB113-16.....	D	RB170-16.....	D	RB227-16.....	AS
RB114-16.....	D	RB171-16.....	AM	RB228-16.....	AS
RB115-16.....	D	RB172-16.....	AS	RB229-16.....	AS
RB116-16.....	D	RB173-16.....	AS	RB230-16.....	AM
RB117-16.....	AS	RB174-16.....	D	RB231-16.....	AS
RB118-16.....	D	RB175-16.....	D	RB232-16.....	D
RB119-16.....	D	RB176-16.....	AS	RB233-16.....	AS
RB120-16.....	D	RB177-16.....	AS	RB234-16.....	AM
RB121-16.....	D	RB178-16.....	AS	RB235-16.....	AMPC2
RB122-16.....	D	RB179-16.....	AS	RB236-16.....	D
RB123-16.....	D	RB180-16.....	WP	RB237-16.....	AS
RB124-16.....	D	RB181-16.....	AM	RB238-16.....	D
RB125-16.....	D	RB182-16.....	D	RB239-16.....	AS
RB126-16.....	D	RB183-16.....	D	RB240-16.....	AS
RB127-16.....	D	RB184-16.....	AS	RB241-16.....	AM
RB128-16.....	D	RB185-16.....	D	RB242-16.....	D
RB129-16.....	D	RB186-16.....	D	RB243-16.....	AS
RB130-16.....	D	RB187-16.....	AS	RB244-16.....	AS
RB131-16.....	AS	RB188-16.....	D	RB245-16.....	AS
RB132-16.....	AS	RB189-16.....	AS	RB246-16.....	D
RB133-16.....	D	RB190-16.....	D	RB247-16.....	D
RB134-16.....	D	RB191-16.....	D	RB248-16.....	AS

2016 GROUP B FINAL ACTION RESULTS

Page 12

Exhibit #4 p.13

TINY HOUSE FACT SHEET AND FAQs

NEBRASKA TINY HOUSE REGULATION

Pursuant to Nebraska law, the Nebraska Public Service Commission (Commission) enforces health

***THE STRUCTURE, IF BUILT AWAY
FROM THE SITE OF OCCUPANCY
AND OF CLOSED-CONSTRUCTION,
MUST HAVE A STATE OR FEDERAL
LABEL AFFIXED TO IT TO BE
LEGALLY SOLD IN NEBRASKA.***

and safety regulations of building codes for closed-construction structures built away from the site of occupancy (*See Neb. Rev. Stat. § 71-1555 – 1568.01 and § 71-4601 – 4620.01*). This includes structures transported from the building site to another location and cannot be readily inspected at the site of occupancy without disassembly, damage to, or destruction thereof. Further, the Commission also regulates recreational vehicles, park trailers and travel trailers. There are three structures regulated by the Commission:

- Manufactured (mobile) homes built in accordance with the rules and regulations of

the United States Department of Housing and Urban Development's (HUD) Federal Manufactured Home Act. Such homes passing inspection are issued a HUD manufactured home label;

- Modular housing units built in accordance with applicable construction codes, i.e. the International Residential Code and the National Electrical Code adopted by Nebraska. Modular homes meeting the requirements are issued the Nebraska Modular Housing Unit label; or
- Recreational vehicles, including motor homes, park trailers, travel trailers, built in accordance with the National Fire Protection Association (NFPA) Standard on Recreational Vehicles, NFPA 1192 or the Park Model Recreational Vehicle Standard, ANSI A119.5. Such conforming vehicles are issued the Nebraska Recreational Vehicle label.

All three types of structures when sold and/or offered for sale in Nebraska are legally required to have affixed to them the appropriate State or Federal label attesting to compliance with the relevant building codes. There are no exceptions; the structure, if built away from the site of occupancy and of closed-construction, must have a State or Federal label affixed to it to be legally sold

in Nebraska.

So where do tiny houses fit in the regulatory structure outlined above?

The answer depends on the tiny house. Some tiny houses incorporate a permanent frame, axles, wheels and tires, and because of their size fall into the definition of a park trailer in Commission regulations. To comply with the requirements for park trailers, the tiny house must be:

- Built on a single chassis mounted on wheels;
- Designed to provide seasonal or temporary living quarters which may be connected to utilities necessary for operation of installed fixtures and appliances;
- Constructed to permit setup by persons without special skills using only hand tools which may include lifting, pulling, and supporting devices; and
- Have a gross trailer area not exceeding four hundred thirty (430) square feet when in the setup mode.

If the tiny house meets the four requirements above, along with the requirements of ANSI A119.5, and complies with Commission plan review and inspection requirements, the tiny house would be considered a park trailer and be issued a Nebraska Recreational Vehicle label to affix to the structure. The builder must make contact with the Commission for plan submittal, plan review and inspection requirements.

What if my tiny house doesn't meet the requirements to be a park trailer?

If the tiny house does not meet all four park trailer requirements, the house is then considered either a manufactured home or a modular housing unit. Building codes for each of these types of homes

have requirements for structural integrity, lighting, ventilation, heating, insulation, minimum room sizes, ceiling heights, sanitation, toilet, bath and shower spaces, emergency escape, means of egress, smoke alarms, to name a few. Builders must obtain a label prior to building the first home. To obtain a label a builder must:

- For Manufactured homes – Make contact with a HUD approved design review agency (DAPIA) and a HUD approved inspection agency (IPIA), and adhere to their individual plan submittal, plan review and inspection requirements. In Nebraska the Commission can serve as the DAPIA, and must serve as the IPIA for HUD.
- For Modular housing units – make contact with the Commission for plan submittal, plan review and inspection requirements.

Will my tiny home be subject to any local requirements?

Yes. Tiny houses, like all other houses and recreational vehicles, will be subject the zoning requirements of local jurisdictions which vary widely by jurisdiction. Some aspects typically regulated by local zoning laws include: land use, location, height, width, type of foundation, number of stories, and size of buildings. It therefore becomes an important first step for the builder and prospective tiny home owner to obtain permission from the local jurisdiction to site the tiny home in their jurisdiction.

Who do I contact if I have further questions or want more information regarding the requirement to build and/or sell tiny houses in Nebraska?

Mark Luttich, Director
Housing and Recreational Vehicle Department
Nebraska Public Service Commission
P.O Box 94927, Lincoln, NE 68509
402-471-0518 mark.luttich@nebraska.gov

Exhibit #5 p.2

SMALL HOUSE ("TINY HOUSE") CODE REGULATIONS

This guide is intended to provide the registered design professional, future homeowner, and/or contractor with basic information about certain zoning ordinance, building code, property maintenance code (housing code), and contractor licensing regulations pertinent to the design and construction of very small houses, commonly called "Tiny Houses", intended to be used as a dwelling unit.

"Tiny Houses" intended to be used as a dwelling unit must be constructed on-site on a foundation in order to be located within a residential area in Unincorporated St. Louis County. Manufactured (prefabricated/modular type) "Tiny Houses" are also permitted provided they have the affixed seal of the Missouri Public Service Commission (MPSC) as a prefabricated/modular home and are set on an "approved foundation". Prefabricated/modular homes are generally transported to the site on flatbed trucks or on a temporary axle with wheels that is removed at the destination site so that the home can be set on a permanent foundation. "Tiny Houses" constructed on a permanent chassis with wheels by either a manufacturer or owner are not permitted within residential areas in Unincorporated County by the County's Zoning Ordinance. Manufactured "Tiny House" homes on wheels that have an affixed HUD or FHA certification tag may be located in a designated "House-Trailer Park" for mobile homes. Generally all other "Tiny Houses" constructed on wheels, either by a manufacturer or owner, would be considered as, or similar to, RV's intended for occasional recreational use and thus not allowed to be used within Unincorporated County as a dwelling unit or house trailer (mobile home) for living purposes.

Construction codes require that the electrical, plumbing, and mechanical work for houses built on-site be performed by contractors licensed by the County to do such work. On-site utility hookups for MPSC labeled prefabricated/modular homes must also be done by licensed contractors.

The following is a user-friendly version of the minimum room and space square footage and ceiling height requirements, including overcrowding regulations, applicable to the design and occupancy of "Tiny Houses" from the 2009 International Residential Code (IRC) and 2009 International Property Maintenance Code (IPMC), as amended and adopted by County Ordinances. Compliance with the most restrictive provisions of both codes is required in order to construct and occupy, as well as, to eventually sell and re-occupy a "Tiny House" as a dwelling unit.

In addition to the information provided herein it is recommended that the design professional (Missouri Licensed Architect or Professional Engineer) also obtain and review a copy of St. Louis County's "Single-Family Dwelling Checklist" to aid in the design and preparation of the plans required for submittal with the application for building permit for a "Tiny House".

MINIMUM ROOM AREA, SPACE, AND CEILING HEIGHT REQUIREMENTS

The aggregate area of the rooms and spaces, and ceiling heights within, shall meet the minimum code requirements listed below except that the design may include combined use of spaces in an economical or "efficient" manner provided the design complies with the requirements listed below for

an "efficiency living unit" and the occupancy is limited to 2 or 3 occupants depending on the floor area provided.

Minimum living room area. Every dwelling unit shall have at least one habitable room that shall have not less than 120 square feet of gross floor area. *(Reference IRC R304.1 and IPMC 404.4.1)*

Note: The IPMC identifies this room as a living room *(Reference IPMC 404.4.1)*.

Bedroom(s). Bedrooms shall not be less than 7 feet in any horizontal dimension and shall have a floor area of not less than 70 square feet when occupied by one person and every bedroom occupied by more than one person shall contain at least 50 square feet of floor area for each occupant thereof. *(Reference IRC Sections 304.2 and 304.3 and IPMC Sections 404.2 & 404.5 as amended)*

Kitchen. Each dwelling unit shall be provided with a kitchen area and every kitchen area shall be provided with a sink. Kitchens shall have a minimum area of 50 square feet and have a clear passageway of not less than 3 feet between counter fronts and appliances or counter fronts and walls. *(Reference IRC Section R306.2 and IPMC Sections 404.2, 404.5 as amended & 502.1)*

Other habitable rooms. Other habitable rooms shall not be less than 7 feet in any horizontal dimension and shall have a floor area of not less than 70 square feet. *(Reference IRC Sections 304.2 and 304.3 and IPMC Sections 404.2)*

Note: A separate dining room is required when the dwelling unit is intended for more than 2 occupants. For 3-5 occupants the dining room is required to be a minimum of 80 square feet. *(Reference IPMC Section 404.5 as amended)*

Bathroom. Every dwelling unit shall be provided with a partitioned off bathroom having a water closet, lavatory, and a bathtub or shower. The water closet and lavatory shall not be set closer than 15 inches from their centerline to any side wall, partition, vanity, tub, or shower or set closer than 30 inches between the centerlines of adjacent fixtures. At least 21 inches clearance shall be provided in front of the fixtures except that at least 24 inches is required in front of a shower opening. The lavatory shall be located in close proximity to the water closet. The kitchen sink shall not substitute for the lavatory. *(Reference IRC Sections R306.1 & R307.1, Uniform Plumbing Code Section 405.3.1, and IPMC Section 502.1.)*

Note: While no specific minimum room size is indicated the bathroom needs to be approximately 30 square feet in area to comply with the fixture spacing and clearance requirements.

Vertical egress & hallways. Vertical egress from habitable levels shall be by a 36 inch wide stairway having a maximum riser height of 8¼ inches, minimum tread depth of 9 inches, and minimum 6 feet 8 inches headroom. Winder treads and spiral stairs complying with the IRC are permitted. Ladders are not permitted. Hallways, if provided, shall be not less than 36 inches wide. *(Reference IRC Sections R311.4 as amended & R311.6)*

Mechanical equipment & appliances. Heat and hot water must be provided. Sufficient space shall be provided for mechanical equipment and hot water appliances to maintain minimum clearances to combustible materials and provide access for maintenance. A minimum of 30 inches of clearance is required at the front of the appliance for service. *(Reference IPMC Sections 602 & 603 and pertinent*

IRC and Plumbing Code requirements along with the manufacturer's installation instructions depending on type of heating system and hot water appliance selected)

Electrical panel. An electrical system connected to a public utility must be provided. Circuit breaker panels shall not be concealed and are not permitted in a bedroom or within bathrooms or clothes closets. A minimum 36 inch deep by 30 inch wide, having a minimum 6 feet 6 inches headroom, unobstructed clearance area is required in front of electrical panels. Doors cannot open towards a panel. Counters and cabinets cannot be installed under the electrical panel. A communication outlet is required cabled to the service provider demarcation point. *(Reference IPMC Section 604 and National Electrical Code Sections 240-24, 110-26 and 800.156)*

Ceiling height. Habitable space (living/dining areas, bedrooms, kitchen area, etc.), hallways, bathrooms, toilet rooms, laundry rooms and portions of basements containing these spaces shall have a ceiling height of not less than 7 feet.

Exceptions:

- For rooms with sloped ceilings, at least 50 percent of the required floor area of the room must have a ceiling height of at least 7 feet and no portion of the required floor area may have a ceiling height of less than 5 feet. Note: The IPMC indicates these rooms are to be used exclusively for sleeping, study, or similar purposes.
- Bathrooms shall have a minimum ceiling height of 6 feet 8 inches at the center of the front clearance area for fixtures as shown in IRC Figure 307.1. The ceiling height above fixtures shall be such that the fixture is capable of being used for its intended purpose. A shower or tub equipped with a showerhead shall have a minimum ceiling height of 6 feet 8 inches above a minimum area 30 inches by 30 inches at the showerhead.

(Reference IRC Section 305.1 as amended and IPMC Section 404.3)

Efficiency living unit. A unit occupied by not more than 2 occupants shall have a clear floor area of not less than 220 square feet and when occupied by 3 occupants shall have a clear floor area of not less than 320 square feet. These required areas are exclusive of a kitchen area which shall include a kitchen sink, cooking appliance, and refrigeration facilities (each having a clear working space of 30 inches in front) and a separate bathroom containing a water closet, lavatory, and bathtub or shower. *(Reference IPMC Section 404.6)*

Note: While no specific minimum floor area is indicated for the kitchen and bathroom they would increase the above minimum square footages by approximately 80 square feet thus a unit for 1-2 occupants would need to have a clear floor area of around 300 square feet and a unit for 3 occupants would need to have a clear floor area of around 400 square feet. This required clear floor area is exclusive of the space needed for vertical egress on designs having a habitable loft or second level.

Utility hookups. All plumbing fixtures must be connected either to a public water system or to an approved private water system (well) and connected to a public sanitary sewer or approved private sewage disposal system such as a septic system. An electrical system connected to a public utility is required. *(Reference IRC Section R306, National Electrical Code, and IPMC Sections 505, 506, & 604)*

KEY WORD AND TERM DEFINITIONS

The codes provide the following definitions and meanings for the words and terms used above.

Bathroom. A room containing plumbing fixtures including a bathtub or shower. *(Reference IPMC Section 202)*

Bedroom. Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit. *(Reference IPMC Section 202)*

Dwelling. Any building that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes. *(Reference IRC Section R202 and IPMC Section 202)*

Dwelling Unit. A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. *(Reference IRC Section R202 and IPMC Section 202)*

Habitable Space. A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces. *(Reference IRC Section R202 and IPMC Section 202)*

Room. A partitioned part of the inside of a building. *(Reference IRC Section R201.4 and IPMC Section 201.4 – Webster Dictionary definition)*

Approved Foundation. For prefabricated/modular homes located within residential subdivisions, a concrete or masonry perimeter enclosure that creates a basement or crawl space area below the dwelling unit. Attached porches and decks may be supported on the ends by piers. *(Reference zoning ordinance and IRC Section R104.1 & R201.4 – Code Enforcement Policy)*

My name is Stan Cochran and I live at 8450 N. 44th East, which is across the street from the 1,000-foot boundary surrounding this property.

The majority of the homes in this area are high-end homes with manicured landscapes. My area has "covenants" to prevent trailers from being stored outside in public view.

I strongly object to the proposal to have this near-by property being zoned for trailers. I feel this will greatly devalue my property and this area.

In addition, the trailer is situated near a creek in a low area and does not have a permanent septic system for the disposal of waste, which could cause problems in the future.

Item #5
CON2017-00007
MAPC- April 6, 2017

Hello From The Tiny Home!

Item #5
CON2017-00007
MAPC- April 6, 2017

New Zoning Nearby

To: My New Neighbors
From: Jordan Mullen
Phone: 316.641.9927
Date: February 13, 2017

Dear Neighbors,

I would like to introduce myself to the neighborhood! My name is Jordan Mullen and I am the young lady with the new tiny home down the road. I am sure you have seen it during your commutes. 4007 E. 85th St N. is the address I have been given.

I am reaching out to you all today to keep you informed about the moving and living process for the tiny home and me. One of the very first steps I need to take in order for the county to recognize my place of residence, is legally (on paper) be zoned as an RV Park.

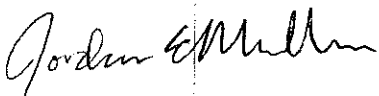
I'm sure many of you have seen the multiple TV shows and are fully aware of what an actual tiny home is and consists of. I wanted to be very clear on what this new "zoning" would mean. This re-zoning is for ONE tiny home, the ONE tiny home you see there now (Soon my siding will be complete too! It's been slow without electricity). And this re-zoning would be most north section of the property, where you see my house now. I wanted to be clear about this because, personally, I would be alarmed if I was notified of an RV park going in down the street from me. So please understand, there is no "RV Park", coming to tow. It's just me, myself, and I.

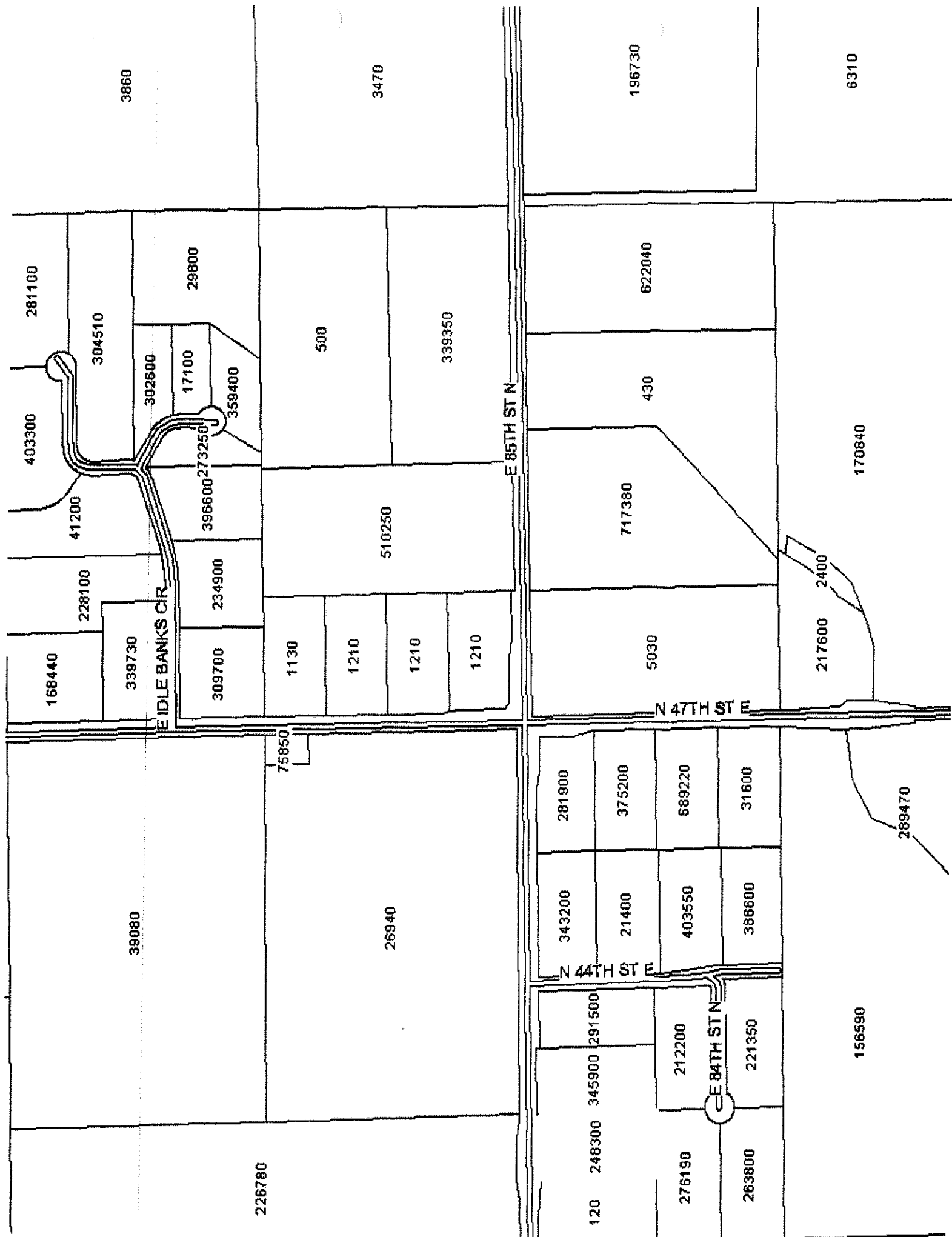
This letter is my best effort in giving you more in-depth information on this process. You will be receiving a letter from the Sedgwick County Planning Commission notifying you about this new zoning. As you know, although tiny homes are becoming more popular, they are still very new in most areas, including Sedgwick County. Because these tiny home are so new, they don't have personalized laws set in place. This is how the county justifies my house being a legal house. I am excited to be creating a home for myself, where I have basically lived my whole life. I had a dream about 4 years ago and that dream is really becoming a reality. I drew up the blue prints myself and have built this house with my own two hands, along with my family and friends. We started this past April on my parents land and moved the house last month to its new location. It's been such a whirlwind, but its been a great project.

Please do not hesitate to call me; I would love to answer any questions you may have for me. I am a pretty private individual but we are all neighbors and I would enjoy getting to know you as this process takes place.

Sincerely,

Jordan Mullen & Samson (my little gray dog)





RECEIVED

MAR 16 2017

By:

Kathy Morgan,

KLM

03/12/2017

I am filing a protest petition regarding:

Case No: Con 2017-00007

Request and County Conditional Use to allow one vehicle RV
general location Campground on RR Rural Residential zoned pro
perty- located generally east of Hillside Ave and
south of East 85th St. N. (4007 E. 85th St N)

Applicant: John W. McKay, III, 4017 E. 85th St. N. Valley Center, K⁶⁷¹⁴⁷

Our most obvious concern is the prospect of a major decline in
our property values due to the close proximity of the described
RV campground. If a precedent was established with just "the
one vehicle RV" what would or could prevent other RV's in
the future? There is farm land near this site and I don't
like the idea of this RV model spreading. We have owned
our land and built our home here over twenty five years
ago, in an already zoned area. We have invested thousands
of dollars and hundreds of hours improving our property.
I don't want our lifetime investment to be jeopardized
by one persons dream. If the zone change was approved, in a
year or two this person could literally move on, but we can't. I
do protest a zone change that could cause drastic financial
repercussions for those of us who live here.

Ronald & Patricia Ross

03/16/2017

Case # CON 2017-00007

Request and County Conditional Use to allow one vehicle RV

General Location: Campground on RR Rural Residential zoned property; generally located E. of Hillside Ave & S. of East 85th St. North (4007 E. 85th St. N.)

Applicant: John W. McKay III, at 4017 E 85th St. North
Valley Center, KS 67147

Legal Description: A complete legal description is available for public inspection @ the Metropolitan Area Planning Department

I am filing a written protest petition as above described.

Ronald Ross

Patricia Ross

Wichita-Sedgwick County Metropolitan Area Planning Department RECEIVED MAR 20 2017 By: _____

Please add this PROTEST PETITION to my wifes original, that was mailed earlier & recieved by you on 03/16/2017.

Morgan, Kathy

From: Debora Shaw <deborashaw5@gmail.com>
Sent: Tuesday, March 21, 2017 10:51 AM
To: Morgan, Kathy
Subject: Case # CON2017-00007 4007 W. 85th N. Valley Center, Ks.

Kathy,

I am a resident in the area of the said property above that says a Ms Mullen is trying to get this land zoned as an RV park and I am totally against this for several reasons.

At first, we thought that it was a temporary homemade shelter on wheels to use while a home similar to this area was to be built.

In Ms Jordan Mullens letter to the residences around this property, she states that she would be living on this property in her "tiny home made built home on wheels" as she states that are popular being made on TV shows and that no other neighbors would be on this property.

This is one concern. She has been living there with no electricity, sewer or water.

I know for a fact that if this was zoned as an RV park, our homes would tremendously decline in value. That the next step since zoned would be other homemade homes on wheels on this property.

I am no better then Ms Mullen, but this area has homes around here that are worth from \$800,000 to \$2,000,000, that are paying taxes for such property and has been Established-first in this area. More homes of this stature would be built, bringing in more higher taxes for the state, but with an RV park zoned in the area you can count on that not happening.

I strongly ask to recognize this not to be zoned in this manner.

Sincerely,

Debora Shaw

Sent from my iPhone

Lopez, Ana

From: Debora Shaw <deborashaw5@gmail.com>
Sent: Tuesday, March 21, 2017 11:23 AM
To: Lopez, Ana
Subject: Fwd: Case # CON2017-00007 4007 W. 85th N. Valley Center, Ks.

Sent from my iPhone

Begin forwarded message:

From: Debora Shaw <deborashaw5@gmail.com>
Date: March 21, 2017 at 11:21:14 AM CDT
To: Jean Richert <jean.richert@gmail.com>
Subject: Fwd: Case # CON2017-00007 4007 W. 85th N. Valley Center, Ks.

Sent from my iPhone

Begin forwarded message:

From: Debora Shaw <deborashaw5@gmail.com>
Date: March 21, 2017 at 11:02:49 AM CDT
To: Debbie Shaw <deborashaw5@gmail.com>
Subject: Fwd: Case # CON2017-00007 4007 W. 85th N. Valley Center, Ks.

Sent from my iPhone

Begin forwarded message:

From: Debora Shaw <deborashaw5@gmail.com>
Date: March 21, 2017 at 10:55:18 AM CDT
To: Ana <alopez@wichita.gov>
Subject: Fwd: Case # CON2017-00007 4007 W. 85th N. Valley Center, Ks.

Sent from my iPhone

Begin forwarded message:

From: Debora Shaw <deborashaw5@gmail.com>
Date: March 21, 2017 at 10:50:58 AM CDT
To: Kmorgan@wichita.gov

Lopez, Ana

From: Theron Goering <therongoering@me.com>
Sent: Wednesday, March 22, 2017 2:39 PM
To: Lopez, Ana; Morgan, Kathy
Cc: Jennifer Goering
Subject: Zoning Meeting 3/23 Concerning 4007 E. 85th St. N.

To whom it may concern,

My name is Theron Goering, I am the property owner and live on the 40 acres on the SE corner of 85th and Oliver. (5211 E. 85th St N.) Looking over the application for this rezoning, I would like to voice my concern about a general RV park zoning designation for this property. I am concerned that it would significantly change the character of the strictly residential neighborhood. If a commercial property would go in it would most likely negatively impact the property values of all of us who relied in part on the zoning of the surrounding property when we made our decisions to purchase and build our homes in the area.

This said, I am not opposed to a very specific variance to allow a single RV (Tiny House) to reside on the property. If it is specifically limited to a single homestead, I would have no issue. We do not want a general zoning for an RV park without limitation as it opens the door to something that would negatively impact the neighborhood and the surrounding residents.

Sincerely,

Theron Goering

Lopez, Ana

From: Bill Bowen <bbowen@vermillioninc.com>
Sent: Wednesday, March 22, 2017 3:15 PM
To: Morgan, Kathy; Lopez, Ana
Cc: gonracn@cox.net
Subject: Case No. CON2017-00007

Good Afternoon.

My name is Bill Bowen and I live at 8455 N. Oliver here in Sedgwick County (Valley Center, 67147). I am writing you today to voice my opposition for the rezoning of land near me for use as a RV Campground, case number CON2017-00007.

I am **opposed** to County Conditional Use to allow one vehicle RV Campground on RR Rural Residential zoned property; generally located east of Hillside Avenue and south of East 85th Street North (4007 E. 85th St. N). My family and I have an investment in our land, home and buildings that we must protect the value of. Allowing this rezoning would negatively impact surrounding home and land values. If rezoned, potential buyers, land developers and home builders could be discouraged by the fact that within 2 blocks is an RV Campground. The values of our homes and land is not what it was 5 years ago. If an RV Campground is allowed, these values will only decrease more. The types of homes and developments in this area, is not suitable for an RV Campground.

All parties have a financial investment in this. It is very discouraging that **respect** was not shown upfront by the McKay's and Mullen's prior to this today. It appears that they have tried to circumvent the system by moving the trailer on property and living in it months before now with no notification of intent. I understand that water was established to property, but assumptions were made that it would be for potential livestock. There is no sewer system to the property so this means that potential dumping of grey water on property and potentially raw sewage has taken place unless a transportable tank is being utilized and dumped properly. None are visible, so it leads to the dumping assumption. There is also no visible trash service at location. The possible dumping is not only negatively impacting the environment, it is attracting disease carrying insects and varmints that can harm us, our livestock and domestic animals. Consideration and respect for others and others property should have been given prior to just moving in and living.

There are areas that are already setup for this style of living and the area in question is not set up for this. The surrounding area is not suitable for this due to the existing zoning, use of land and site criteria. Please take into consideration all parties comments and make a sound decision based on all data. Please evaluate these points to the criteria set forth in the **Values** of The Sedgwick County Metropolitan Area Planning Departments Golden Rules. To quote a portion of Golden Rule #5, "The relationship between the property owner's right to use and obtain value from their property and the City's responsibility to its citizens should be weighed." It may aid one, but the impact to many others is negative if this is allowed.

Thank you for your time and consideration and I look forward to hearing your decision. Please feel free to contact me for further or additional information at 316-210-7411 or gonracn@cox.net as necessary.

Thank You,
Bill Bowen
Procurement Manager

Vermillion Inc.
4754 S Palisade

March 22, 2017

To: Metropolitan Area Planning Commission

Subject: TinyHouse Zoning at 4007 E 85th St. N.

Case#: CON2017-00007

I would like to voice objection to approving any Zoning for a TinyHouse in an area that has several Large Homes that have high Valuation. Most of the Homes in the area are Single Family Dwelling Homes that have some acreage and valued at \$300,000 to well over \$1 Million. A TinyHouse should be located in a TinyHouse Development. This TinyHouse is a House on Wheels, very similar to a Mobile Home or mobile RV. They belong in an established Mobile Home Park or RV Park.

I also have questions over where the Gray Water and Heavies are deposited? Is this material creating an Environmental situation in a Creek bed where this TinyHouse is located? Any of the Homes that are located around this TinyHouse have had to spend Thousands of Dollars to install Septic Systems that comply with Sedgwick County Septic System Regulations. Will the TinyHouse have to install such a system? And what about locating this in the Lower Creek Bed? It appears to me if there is high water again, as neighbors, we will be asked to donate to help replace the TinyHouse because the Floodwaters will take it downstream.

If Zoning is approved, will there be attempts to add additional TinyHouses to this Development? This would really reduce the Valuation of the surrounding properties if there were 10 or 12 TinyHouses in this Development Area.

I feel the MAPC needs to really review where you will Zone Areas for TinyHouses. This could stop all development in the areas along 85th St., 93rd St & 101st St. and others where expensive homes are being built only to have a TinyHouse set up next to this area and stop all growth efforts and blight the neighborhood. This would not be good for Sedgwick County.

Encourage this TinyHouse owner to go to Cowley County where I understand there is "No Zoning" in the County and TinyHouses are welcome!

A Concerned Homeowner,

Dave Studebaker

5920 E 93rd St. N, Valley Center, Ks. 67147

Lopez, Ana

From: Susan Studebaker <sstudebaker6060@gmail.com>
Sent: Wednesday, March 22, 2017 4:04 PM
To: Lopez, Ana
Subject: CASE NO 2017-00007 one vehicle RV Campground

Dear Planning Commissioners,

This letter is to express my strong opposition to Jordan Mullen's request. If it had been her dream for four years to build and live in a Tiny House, why did she wait so long to check on zoning and land regulations? Why did she just sneak it in?

I think I know why....According to tinyhouse.com, one location strategy is to ignore local zoning, move the Tiny House in and live in it until someone complains or the code/zoning department finds you!!

The thought of "a one vehicle RV Campground" in our area is unnerving....No one can trust that's where it would stop; especially since it is obvious obeying the law is not important to her or the land owner!

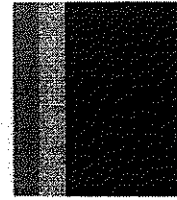
Please enforce the regulations and zoning already in place to protect our property.

Thank You,

Susan Studebaker

Item #5
CON2017-00007
MAPC- April 6, 2017

Tim & Julie Book
2113 Leigh Street
Papillion, NE 68133
402-301-6174
timjuliebook@gmail.com



March 22, 2017

Wichita-Sedgwick County Metropolitan Area Planning Commission
271 West 3rd Street North Suite 101
Wichita, KS 67202

Dear Wichita-Sedgwick County Metropolitan Area Planning Commission,

We, Tim and Julie Book, hereby authorize Glenn or Terresia DuBois to speak on our behalf at the hearing for the application for conditional use case #CON2017-0007 in our absence.

We are co-owners of the 160 acres of rural property located to the northwest of the 6.61 acres of land owned by John McKay, III who is requesting a conditional use permit to allow one vehicle/Recreational Vehicle (RV) campground.

We strongly oppose the conditional use permit and ask the planning commission to reject the request for this application. We base our decision on the following 5 golden rules.

1. Zoning uses and character of the neighborhood. The RV campground will have a negative impact on surrounding home and land values as it is completely out of character for the residential neighborhood. New construction in this area has increased over the last 10 years and home values appraise in the \$200k-to over 1 Million price range (Sedgwick Co appraisal map for the area attached). In addition, land prices in this area are 20-35% higher than agriculture land prices in the nearby counties. An RV campground will negatively impact new construction and potential land development, decreasing the tax base for Sedgwick County while reducing nearby property values.

2. The suitability of the subject property for the uses to which it has been restricted. The Wichita-Sedgwick County Unified Zoning Code defines the purpose of Rural Residence District to "accommodate very large-lot, single family residential developments in areas



where a full range of municipal facilities and services are not available..." (Sec III B. 2 P-44) Nowhere does it mention using RVs as a single-family home. In addition, Wichita-Sedgwick County Unified Zoning only allows Conditional Use applications for Residential Uses for accessories, apartments, or group residences, NOT RV campgrounds. (Sec III C. (1) P-45) RV campgrounds are NOT covered under Residential Use but are instead covered under Commercial Use. The application and MAPC staff report makes no reference to issuing a conditional commercial use application which calls into question the validity of the staff report itself. (Sec III C. (3) P-45) Finally, Wichita-Sedgwick County Unified Zoning defines Recreational Vehicle as a "unit designated as temporary living quarters for recreational camping or travel..." (Sec. II-B e. P-37) The fact that RV campgrounds are only allowed for commercial uses and RV's are only allowed for temporary living quarters is more than enough evidence to deny the application for a conditional use permit.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The MAPC Staff Report states, "area is comprised of large lot residential sites, pastures and agriculture uses are predominate within a two-mile radius of the property." There are no other RV parks in the area and the suitability of the property doesn't support one.

4. Relative gain to public health, safety and welfare as compared to the loss in value or hardship. We assess that public safety will be negatively impacted if an RV campground is allowed. First, there is no permanent waste water disposal system installed and waste water will enter the ground water and nearby stream. Next, there was no electrical, plumbing or building inspection completed for the RV that is already parked illegally on the property. The risk of loss of life due to fire, electrocution or dysentery far outweigh the gain of approving this conditional use application. In addition, no testing was done to determine the wind rating for the RV which poses a risk not only to the occupants but also the neighborhood and vehicle traffic.

5. Opposition or support of neighborhood residence. We, along with most of the neighbors, adamantly oppose the rezoning of the subject property to a RV campground as it will diminish the character of the neighborhood. The fact that the RV is currently in violation of Sedgwick County Zoning laws is only an indication of blatant disregard for the rule of law. It is also interesting to note that the applicant, John McKay, III's father is a voting member of the Sedgwick County Zoning Board. We strongly believe we have more than proven our point that the conditional use application for an RV park is not authorized for residential use, and furthermore utilizing an RV as a permanent residence is also not authorized per Wichita-Sedgwick County Unified Zoning. Given the fact that utilities and a mail box were

installed on the property as well as a personal letter from Jordan Mullen (see letter attached) was sent out to residents within 1000 feet stating this would be her new home is evidence that in fact this will become a personal residence for a tenant on the property, not temporary living quarters for recreational use.

We request that the Sedgwick County Zoning board deny this application. If we are unsuccessful in our argument, we plan to appeal and petition the boards decision.

Respectfully,

A handwritten signature in cursive script that reads "Tim & Julie Book". The signature is written in dark ink and is positioned above the printed name.

Tim & Julie Book

Lopez, Ana

From: Theron Goering <therongoering@me.com>
Sent: Wednesday, March 29, 2017 9:26 PM
To: Lopez, Ana; Morgan, Kathy
Cc: Jennifer Goering
Subject: Re: Zoning Meeting 3/23 Concerning 4007 E. 85th St. N.

Follow Up Flag: Follow up
Flag Status: Flagged

Ana,

Since the applicant asked for an extension and the final hearing is not until April 6, and after reading the record, further consultation with friends, neighbors, and attorneys, I wish to revise my statement and rescind the second paragraph of my previous statement. I believe that it may have been construed as supporting variance to the zoning, which was not my intent. Here is what I wish to convey:

To whom it may concern,

My name is Theron Goering, I am the property owner and live on the 40 acres on the SE corner of 85th and Oliver. (5211 E. 85th St N.) Looking over the application for this rezoning, I would like to voice my concern about single RV park zoning variance for this property. I am concerned that it would significantly change the character of the strictly site built residential neighborhood. If this variance to the laws would be granted, it would most likely negatively impact the property values of all of us who relied in part on the zoning of the surrounding property when we made our decisions to purchase and build our homes in the area. More population density generally means additional tax revenue for the area, however given that this trailer would only pay a bare minimum of property tax based on its tag weight and it would likely reduce the values of the surrounding homes, I believe that it would be a net-negative for not only the surrounding properties but the county as a whole. Additionally, this property would have similar impact on the infrastructure as other homes, but due to loopholes in tax, would pay little to nothing for the use of this infrastructure.

Finally, I have concern that this creates a precedence greatly increasing the likelihood of additional variances and / or rezoning of properties surrounding our home. It becomes much easier for the next person to pull in a trailer or RV or tiny house and point across the street, indicating that it would be unfair for the county to not grant them the same rights as they did in this case.

I understand that there are different types of homes for different types of people and I generally believe that if you own property you should be able to use the property. I do not believe it is equitable for the use of a single property to negatively impact all of the surrounding property value, the tax base, the character of the neighborhood, and use infrastructure resources without contribution. This goes to the heart of the entire purpose of zoning. I implore you to deny this conditional use request (CON2017-00007.)

Sincerely,

Theron Goering

Lopez, Ana

Item #5
CON2017-00007
MAPC- April 6, 2017

From: graceburks <graceburks@rocketmail.com>
Sent: Thursday, March 30, 2017 10:02 PM
To: Morgan, Kathy; Lopez, Ana
Subject: Jordan Mullen's- Tiny House

To whom it may concern,

I wanted to address the fact that Jordan McMullen's property in Kansas should essentially be rent free, since the land is owned by this individual. I think it would be wise to meet with her personally and figure out what is working in the ordinance of Valley Center :) I think you would be pleasantly surprised.