

MINUTES
HARVEY COUNTY REGIONAL PLANNING COMMISSION
HARVEY COUNTY BOARD OF ZONING APPEALS
Harvey County Courthouse
Community Room
December 3, 2013
7:00pm

Members Present: Clifford Kirk, Larry Goering, Teresa Thach, Bonnie Wendling, William Wilson, Philip Kimerer, Jack Bender, Lynne Vigil, John Reed

Members Absent: Harlan Foraker, Chad Fuqua, Dorothy Thiessen, Wayne Allison, Duane Miles

Staff Present: Gina Bell, Michelle Botkin

Others Present: Paul and Rojean DuBois

At 7:00pm Chairman Clifford Kirk called the meeting to order.

Cliff Kirk moved to approve the September 3, 2013 minutes. The board voted unanimously to approve the minutes and the motion was carried.

Cliff Kirk opened discussion on Case #VP13-03 requesting a Conditional Use Permit by Paul and Rojean DuBois to operate a Retreat Center for crafting, quilting & group meetings. The property is located at 813 K-196, Newton, KS 67114. Gina showed a map of the property and explained that there were no significant issues and had only received one phone call on said property on whether it would be available for hunting. Clifford Kirk read the staff report and he asked for clarifications from the DuBois'.

Rojean DuBois stated that she'd always wanted to set-up a retreat center on the property with a venue for daytime meetings for small groups. In addition, it would have a stocked kitchen with all appliances, 2 bathrooms and a small bedroom. She checked with Glen and Teresa (co-owners) and they were fine with building the retreat center.

The floor was opened for questions to the applicant. John Reed asked if it would affect the rural setting and in the future could it be converted back. Rojean explained that it would not affect the rural setting and that it could easily be converted back. Jack Bender

asked about parking and Rojean explained that there was a large yard for parking. Teresa Thach was glad to see that there were ramps.

The Planning Commission had no further questions so Clifford Kirk made a motion to close the public hearing. Jack Bender seconded the motion and the board voted unanimously to approve 9-0. Motion carried. It will need final approval from the Board of County Commissioners.

Old Business – Gina discussed that hiring a new secretary took up much of her spare time. 7 were interviewed. She stated that the Christmas dinner went well. More ongoing discussion was held on the 40 acre rule with no consensus or new thoughts. Gina read the rules for other counties in the area. (See attachment from Jack Bender on his statement.)

New Business – Gina stated that there were no applications for next month.

Clifford Kirk adjourned the meeting at 8:30pm.

40 acre rule

Those who own or operate land should have the major responsibility for land use and development but that does not mean that they should have unfettered right to do what they want to do without consideration of the effect that use might have on others and the impact such use might have on future generations.

In all governmental planning and zoning activities, agriculture must be involved and represented.

Planning and zoning activities are best addressed at the local level.

Any action that is taken with respect to the changing of the 40 acre rule must be based on: factual information, scientific knowledge, and economic impact studies.

Any change in our rule should not put our farmers in a competitive disadvantage with farmers from any other county or any other state.

Economic impact statements ~~and should~~ ^{MUST} accurately reflect how the regulated community will be affected.

Any proposed changes in the 40 acre rule should be subjected to a public input process.

The fact is that in Harvey County we do not have building codes.

The fact is that some homes in the county are literally junk yards and nothing is done to cause clean up of these properties. What kind of control would be in place to prevent deterioration of adjoining property values?

While economic issues are important so are environmental issues. How about increased water use, availability of fire protection within a reasonable distance. These are all things that we should think about.

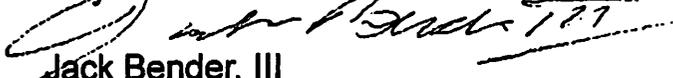
Several issues emerge (1) source of water (well vs public water supply), (2) Septic systems, (3) tax revenues (4) Public Safety issues. Just recently Senior Patrol was eliminated, what needs will be unserved.

How would the land that was taxable as farm land be treated when it becomes land that is not used for farmland?

I respectfully request that my comments be made part of the record by having

them placed in the minutes verbatim.

I may have further comments after having heard the comments of others and may revise and resubmit at a later meeting.


Jack Bender, III
Planning Commissioner Harvey County Kansas