

MINUTES
HARVEY COUNTY REGIONAL PLANNING COMMISSION
HARVEY COUNTY BOARD OF ZONING APPEALS
Harvey County Courthouse
Community Room
October 6th, 2009
7:00 PM

Members Present: Clifford Kirk, Dorothy Thiessen, Ron Peters, Larry Emmel, Alan Beam, Carroll Harder, Al Heine, Chad Fuqua & Jack Bender

Members Absent: Robert TenEyck, Larry Goering, Sam Griffin, Harlan Foraker, & Bonnie Wendling,

Staff Present: Scott Davies, Planning & Zoning Administrator,

Others Present: Bernard Gatz & Raymond Bretton

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

1. Mr. Emmel asked for a motion to approve the September minutes, Mr. Beam moved and Mr. Peters seconded to approve the September minutes, motion carried 7-0.
2. Staff Report: Eight permits were issued during September for a total construction estimate of \$151,950.
3. **Prairie Meadows Second Final Plat.** Staff presented report and slide presentation. Raymond Bretton with Alpha Land Surveys talked about the drainage plan. Mr. Britton said the storm water would drain from Kansas Rd west in ditches on each side of SE 64th, drain around the cul-de-sac and on west to a drainage easement that would take the water southwest along the natural drainage pattern. Mr. Peters asked about a retention pond, Mr. Britton said because most surfaces are permeable and that there are only four lots a pond was not in the plan. Mr. Britton said the drainage plan has been developed and is with the county's engineer for review and approval.

Mr. Britton said that he had talked with Phil Adams with the county road and bridge and he said that the county would pave the entry drive with asphalt as requested by the planning commission. He also said a turnout would be poured for mail delivery near the entrance; residents will pick up their mail at a single point near the entrance to the subdivision.

Mr. Britton also pointed out the request by the commission to denote on the final plan that there is to be a controlled access along Kansas.

Mr. Fuqua had questions about future development in regards to drainage. Mr. Emmel said that since the high density development would occur with the City of Newton, that they would be responsible to minimize flooding and reduce any excess storm water runoff.

Mr. Bender had a question about drainage along the south side where there was some drainage ditches. Mr. Britton said that the two south lots would drain to the south and then to the west and on to Sand Creek.

Mr. Emmel said that since the county engineer had not signed off on the drainage plan nor had the county surveyor signed off, a motion should be subject to the signing of both of these.

At this time the Chairman called for a motion; Mr. Bender moved to approve the final plat subject to the county engineer's approval of the drainage plan and the county surveyor signing off on the final plat. Mr. Fuqua seconded the motion. The Chairman called for a vote, **the vote was 7 for and 0 opposed**, the motion carried.

- 4. Discussion of penalties for failure to obtain building permits.** This was a discussion only; no action was to be taken. Staff passed out state regulations concerning zoning fines and a current schedule of violation fees approved in the regulations. Staff said that they should not be called fines because only a court can issue fines, state zoning statutes do allow for administrative fees to be collected, so they would still be an administrative fee but an additional charge for failure to obtain a permit. Staff said that some counties double their permit fee for failure to obtain permits.

There was discussion about how often it occurred that landowners were not obtaining permits. Staff said it happened quite often and other commissioners commented on the number of cases they had seen lately where people had not obtained permits.

Mr. Fuqua asked how the word was getting out about obtaining permits before construction. Staff said that he notified local newspapers once a year about the counties permits requirements. Also, the county has a website with information about building and zoning permits and people could obtain applications online. Staff also said that at most of the paved roads coming into the county there is a sign with the county sign saying that Harvey County is a zoned county and building and zoning permits are required.

There was discussion about whether people knew to get permits or not, most felt that contractor's should know that they need to get permits and that the county has been zoned since the mid 70's so most people should be aware.

At this point Mr. Emmel instructed staff to check with surrounding counties about their violation fees and bring those to the next meeting.

There was no more discussion or items and Mr. Peters moved and Mr. Fuqua seconded to adjourn the meeting. Motion carried, meeting adjourned at 8:05 pm.