

MINUTES
HARVEY COUNTY REGIONAL PLANNING COMMISSION
HARVEY COUNTY BOARD OF ZONING APPEALS
Harvey County Courthouse
Community Room
February 2, 2010
7:00 PM

Members Present: Clifford Kirk, Chad Fuqua, Larry Emmel, Sam Griffin, Bonnie Wendling, Larry Goering, Carroll Harder, Robert TenEyck & William Wilson

Members Absent: Al Heine, Dorothy Thiessen, Ron Peters, Jack Bender, Harlan Foraker & Alan Beam

Staff Present: Scott Davies, Planning & Zoning Administrator,

At 7:00 pm Chairman Emmel called the meeting to order. Mr. Emmel welcomed Dr. Wilson back to the planning commission.

1. Mr. Emmel asked for a motion to approve the December 2009 minutes, Mr. Griffin moved and Mr. TenEyck seconded to approve the minutes, motion carried.
2. Staff Report: Nine building permits were issued during December 2009 for a total construction estimate of \$126,000; six building permits were issued in January for a total construction estimate of \$330,000.
3. **REVIEW OF LATE FEES.** Staff Report: As you may recall, at a previous meeting we discussed the need to re-evaluate late fee charges for those who begin construction without obtaining a building permit. Our regulations and state regulations place a cap of \$500 on zoning violations.

In September of 2008, the Harvey County Board of County Commission approved an increase in late fees for various zoning offenses including not obtaining a building permit prior to construction. I have included the current fee structure that was approved at that time and is the current fee schedule for violations. The following pages will reflect the sections of the regulations in which changes are proposed. I have highlighted proposed changes in red.

I talked to planning officials at Reno, Sumner, and Butler counties and each of those counties double the cost of a permit for commencing construction without obtaining a permit. In addition, our regulations stipulate that if a permit has not been obtained within 7 working days of being issued a stop work order, an additional \$200 fee is added to the initial charge.

My opinion is that our current late fee schedule falls in line with surrounding counties and complies with state regulations. Therefore, my recommendation is to keep the late fee schedule as adopted by the county commission in 2008.

There was discussion of what is meant by multiple offenses. Staff gave example of construction demolition land filling without a conditional use permit as one offense, if the debris was being buried in a floodplain that would be a second offense.

Mr. Emmel asked about situations where a landowner brings out rubble to dump along a creek for erosion control, would that require a permit. Staff did not believe it would, however it might be a violation of the floodplain regulation.

The Chairman called for a motion, Mr. Griffin moved that the amount of \$800 be changed to \$500 in Section 1.08 of the regulations. Ms. Wendling seconded. There was discussion whether agricultural buildings should be exempt from late fees or not. Staff recommended that there be a late fee for agricultural buildings. Mr. Goering moved to amend the motion to include failure to obtain an agricultural building permit be set at \$100, Mr. Griffin seconded. The Chairman called for a vote of the amendment, the vote was 8 in favor and 0 opposed, and the Chairman abstained, amendment approved. The Chairman then called for a vote of the amended motion, the vote was 8 in favor, 0 opposed, and Chairman abstained.

4. Third Party Review of Communication Towers. This item did not require any action; it was to inform the planning commission about a new ordinance passed by the county commission to do a third party review of communication towers. Staff reported that the county commission approved an ordinance in December of 2009 that requires applicants for communication towers to have a third party review done before going to the planning commission. The cost of the review is the responsibility of the applicant. Staff said this was done to attempt to minimize the number of towers being erected in the unincorporated areas of the county. Staff said the county had signed a two year agreement with CityScapes Consulting to do the third party review. Staff said that Cityscapes provides technical and legal resources to review the application for completeness and conformance with our regulations.

5. Review proposed non-commercial wind tower regulations. No action required. Staff Report:

Non-commercial wind turbines are becoming more attractive in light of tax incentives and reduced energy costs. Currently all wind turbines require a conditional use permit, in order to streamline the permitting of residential wind turbines I am recommending that non-commercial wind turbines be a permitted use subject to the proposed attached special regulations.

I have presented these proposed special regulations for discussion and feedback at this time. If the planning commission wishes to make any changes and permit the use of non-commercial wind turbines, then those changes will be made and then a public hearing will be held at a later meeting.

All commercial type wind turbines would still require a conditional use permit to allow their use in the county.

If the planning commission chooses to permit residential wind turbines subject to special regulations, I will proceed with filing a public hearing notice. Attached are the proposed special regulations.

There was discussion on setbacks and height of wind turbines. The commission recommended that instead of using blade diameter that the height of the wind turbine including the blades be used as the setback requirement. Also recommended was a definition of what non-commercial and commercial wind turbines are. Staff said that he would proceed with revising the proposed regulations and do a public hearing at a later date.

6. Expiration of terms and March Elections. Staff reviewed terms being completed and announced elections coming up in March. At this time Chairman Emmel read a statement saying that he would not be a candidate for Chairman for the upcoming elections. He said he would remain on the board but not serve as Chairman.

Mr. Griffin moved and Mr. Fuqua seconded to adjourn. Motion carried, meeting adjourned at 8:45 pm.