

**SMART PLANNING  
Meeting Minutes**

**March 26, 2014**

**5:30 p.m.**

**Memorial Hall**

**301 1<sup>st</sup> St NW**

**Farley, Iowa**

**Consortium Members**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Anna O'Shea-Dubuque County               | <input checked="" type="checkbox"/> Janet Berger-City of Epworth |
| <input type="checkbox"/> Laura Carstens-City of Dubuque                      | <input checked="" type="checkbox"/> Joyce Jarding-City of Farley |
| <input checked="" type="checkbox"/> Eric Van Buskirk (proxy)-City of Dubuque | <input type="checkbox"/> Bill Einwalter (proxy) – City of Farley |
| <input type="checkbox"/> Kyle Kritz (proxy) – City of Dubuque                | <input checked="" type="checkbox"/> Karen Snyder-City of Peosta  |
| <input checked="" type="checkbox"/> Beth Bonz-City of Asbury                 | <input checked="" type="checkbox"/> Eric Schmechel-Dubuque SWCD  |
| <input type="checkbox"/> Mick Michel-City of Dyersville                      | <input type="checkbox"/> Chandra Ravada-ECIA                     |

**Public Present**

Mike Hoffmann, River City Paving	Tony Zelinskas, WHKS
Matt Horsfield, Horsfield Construction	Patrice Lambert, Health – Dubuque County
Jim Bradley, Brissey Realty	Bob Pitz, Epworth
Pete Conrad, Conrad Construction	Joe Hermsen, Farley Planning and Zoning
Jim Holz, MSA Professional Services	Dale Bowers, Farley/Farmer
Louis Langerer, Farley	Mike Weber
Rob Ostwinkle, Dubuque County Farm Bureau	Alvin Haas, Dyersville Mayor
Dean Knepper, Dyersville	Teresa Bockenstedt, Dyersville Council
Melvin Wilgenbusch, Rickardsville	Micky Wagner, Dyersville, IA
Charlie Demmer, Farley	Ken Schmitt, Sherrill, IA
Joe Mozena, Asbury	Mark Wagner, Dyersville
Craig Recker, Dyersville	Matt Mescher, Dyersville
Nick Goodmann, Goodmann Appraisal, Dubuque Board of Realtors	Larry Decker, Bernard

**Staff Present**

Dan Fox, ECIA  
Eric Van Buskirk, City of Dubuque

## **Call to Order**

The meeting was called to order by Anna O'Shea at 5:31 p.m. The Smart Planning meeting for March 26, 2014 was held at Memorial Hall in Farley, Iowa. O'Shea suggested moving introductions to the beginning of the agenda, because of the large group present.

## **Introductions**

Introductions were made.

## **Approval of the Agenda**

Motion by Jarding, second by Bonz to approve the agenda for March 26, 2014 as amended. The motion passed unanimously.

## **Review and approve the minutes from the Wednesday, February 26, 2014 Smart Planning Consortium Meeting**

Motion by Bonz, second by Snyder to approve the minutes from the Wednesday, February 26, 2014 Smart Planning Consortium Meeting as amended. The motion passed unanimously.

## **Presentation on the Zoning Code Project**

Fox presented on the zoning code project. The presentation included a review of the project to this point, project goals, expectations for the citizens advisory committee, and a basic overview of zoning.

Discussion followed (Note: The meeting used an open discussion format. Questions were documented in the minutes, but the person asking the question was not required to give their name.)

Questions:

Q - How many of us are new to this committee tonight?

Fox - Most of the people in attendance are new to the process.

Q - How does what you propose get accepted?

Fox – Dubuque County and five cities are involved in the project. The members are working together on their zoning codes, but the final product will be specifically tailored to each community and will be adopted separately by each city council and the board of supervisors.

Q - Will there be public input meetings throughout the process?

Fox – There will be additional opportunities for public input throughout the process. We plan on using the input from the Citizens Advisory Committee (CAC) in addition to our regular public input meetings.

Q- -Who is on the Citizens Advisory Committee?

Fox - The people who are here tonight were invited to participate, but anyone can join. The CAC was intended for people who had an interest in the project and wanted to participate more than the average person.

O'Shea – We will still be bringing specific changes to our Zoning Commissions for the county and cities and to the Board of Supervisors and the City Councils. You will have other opportunities to provide input at these meetings also. If you were not invited by a formal letter or email and want to participate, you are

welcome to participate. We have a meeting schedule available and if you provide an email or address we will send you meeting agendas and other information.

Q - Is the intent to get uniformity to everybody's ordinance or uniformity to the layout of everyone's ordinances?

Fox – Some uniformity might be an outcome of this, but it is not necessarily a goal of the project. In the end we want to have ordinances that are tailored to fit each community specifically.

Q - Does anyone here have problems with zoning in their towns right now?

Berger – For Epworth, I would like to make our zoning code a little more user friendly. For instance, the use of some of these illustrations could really clarify zoning matters, and help with interpreting the zoning code.

Q - If the codes are to be tailored to each community, why can't each community do it themselves?

Fox – Each community could go ahead and do it on their own. The benefit of working together is that we can generate better ideas through information sharing. Cost savings is also a benefit, if each city was to go out and do this on their own it would cost substantially more.

Q - The grant program application mentions that you would like to see a lot of the changes from the City of Dubuque brought to the surrounding towns.

O'Shea – The goal of this project is to help the communities of Dubuque County work together to achieve common goals. Working together is important for the implementation of the comprehensive plan because many issues do not stop at jurisdictional boundaries. Things like watershed, streets, and schools cross boundaries. We have a lot of issues when we are working with planning in our communities that extend beyond borders. We feel that working together we can come up with solutions that are common sense and can address some of these things in a cheaper way.

Q - The way the grant application reads you want everyone to be like the City of Dubuque.

O'Shea – Making everyone line the City of Dubuque is not a goal of this project. The City of Dubuque has adopted some of these principles such as being more cost efficient, environmentally sustainable, and being more economically sustainable. By working together we are going to take some of those ideas and incorporate them into our plans.

Q - What are some things that are unsustainable right now that you are working on?

O'Shea – Energy efficiency is always a big issue, and now in the county you can use geothermal. We also have some opportunities to use wind power. Watersheds are also another issue that we've put an emphasis on in the county. It's a building process, you start small, you talk about what value your community can get from these ideas, and you go from there.

Q - Aren't all of those things going on right now?

O'Shea – Our ordinance right now is from 1969 and we have made small changes to it along the way, but it needs to be updated to help individuals understand what we are asking for when they request a permit.

Jarding – For the smaller communities, our zoning ordinance rules are 60-70 years old. They were established when we didn't have apartment buildings, or subdivisions. We also didn't have street and parking setback issues. These are things that we have to worry about today because our population is growing so fast. What we are working for is to make it easier to make our cities run more efficiently.

## **Discussion on Residential Zoning**

Fox presented a draft residential zoning chapter. The draft chapter was based on the residential chapter of the Epworth Zoning Code. Fox explained that the Epworth zones had been modified to show some possible changes that could be implemented in city zoning codes. Changes are intended for use in city residential zones. The group will be discussing changes for county residential zones in the future.

Changes in the draft code include:

- Updated layout with illustrations.
- Adding a corner store or corner office use to R-1 and R-2 districts.
- Reducing the R-1 minimum lot area from 7,500 sq. ft. to 6,000 sq. ft., and the minimum lot width from 70 ft. to 60 ft.
- Reducing the R-2 minimum lot area for one-family from 7,500 5,000 sq. ft., reducing the minimum lot width for one-family from 70 ft. to 50 ft., reducing the minimum front yard depth for one-family from 25 ft. to 20 ft., reducing the minimum sum of both side yards for one-family from 15 ft. to 10 ft. and reducing the minimum rear yard depth for one-family from 20 ft. to 30 ft.
- Added definitions for Corner Office, Corner Store, and Zero Lot Line.

Questions:

Q - Reducing the lot size you are also reducing the permeable area.

Fox – That is a concern. You would probably want to look at doing some type of centralized method to address stormwater.

Q – This sounds like stack em and pack em theories in Agenda 21.

Fox – The important thing to remember with these changes is that we are reducing the minimum lot size, we are not requiring anybody to have a smaller lot. You can still build on a larger lot if you like, we are just moving the floor down on the smallest lot that you can build on.

O’Shea – The smaller units are more affordable, it’s a choice that people can make. Also, for the record, our plan has nothing to do with Agenda 21.

Q – As far as the planning principles from the governor, to prevent the undue concentration of population, doesn’t this fly in the face of that?

Fox – I don’t think its flying in the face of that at all, we are just giving some additional flexibility to homebuilders. If they want to build a little smaller, if they think there is a market for that, they are welcome to do it. If they think the larger lot is the way to go, they can go ahead and do that.

Q – On the R-1 corner store what would prevent someone form parking a semi on the street and how many semis would be delivering?

Fox - You could include rules in the ordinance that would limit deliveries.

Q – Where did the sod roofs in the zoning plan come from?

Fox – I don't think there are any sod roofs in the existing zoning code or this draft zoning code chapter. Sod roofs were mentioned in the Smart Plan, but we are currently recommending that the Board of Supervisors amend the plan to make it clear that sod roofs are recommended for "high density urban areas."

O'Shea – It's not in the zoning code. It is found in the Dubuque County Stormwater and Erosion Control ordinance. It listed as one of the ways to contain stormwater runoff in an urban area.

Fox - We will note that point. We have not included sod roofs in a draft at this point and I do not foresee us doing that in the future.

Q – Will this be a town policy or will it be county-wide?

Fox - Each city will have its own zoning code and the county, in its jurisdiction outside of the cities, will have its own zoning code.

Q – Dan, you don't have the authority to say Dyersville you do this and Farley you do that, do your?

Fox – No, I have no authority.

Q – Does this zoning project have nothing to do with the smart plan?

Fox – They are two separate projects, but they are related. We are looking towards the smart planning project for guidance when we are working on the zoning project.

Q – How does Dyersville fit into this? We voted to reject the comprehensive plan back in December.

Bonz – Cities have a separate comprehensive plan and zoning ordinance. You can go back to your comprehensive plan but still have a separate zoning code.

Fox – Zoning for Dyersville would be looking to the existing comprehensive plan.

### **Discussion on Zoning Code Illustrations**

Fox presented on the zoning code illustration. The Consortium developed a list of things that are often included in zoning codes that could be better explained through illustrations.

Comment - Visibility triangle – The explanation does not match the drawing. The explanation says from the property corner and the drawing shows from the street corner.

Comment - Trees should be outside of the visibility triangle.

Yard – shows front yard, rear yard, and side yard.

Conservation subdivision discussion on clarification from previous meeting.

Q - With this design, how are you saving agricultural ground when you are using the rest for conservation?

O'Shea - In the county you have to have a one acre lot for well and septic. You can use a quarter acre or third acre and get three or four homes on an acre instead of one with a central septic system and a central well. The balance of that ground could be a protected area. It gives you an option when you are developing in the county.

### **Comments on the Smart Plan**

O'Shea reported that she, Dan Fox, and Eric Schmechel had reviewed comments that had been submitted to the Board of Supervisors on the Watershed and Agricultural and Natural Resources Chapters of the Dubuque County Regional Smart Plan by several community members. O'Shea presented the recommended change to the chapters based on the input that was submitted.

Q – Are you talking about doing away with R-1 zoning?

O'Shea – I am not sure what changes we will be making to county zoning. The Consortium have discussed changes to zoning in urban areas but have not discussed the rural areas much. It would be very difficult to remove a zoning district that is already established.

Q - Productive agricultural land seems to be defined as a Corn Suitability Rating of 45 or greater. Do you really know what 45 CSR land looks like?

O'Shea - At the time of the last comprehensive plan update in 2002, the County Zoning Board felt that a CSR of 45 was a good place to set the value for productive agricultural land for Dubuque County. However, we ended up changing that goal in the Agricultural and Natural Resources Chapter and removed the 45 CSR value.

Q – The Ag and Natural Resources chapter is one of the chapters that we spent quite a bit of time on with the Farm Bureau and we came back with a recurring theme to protect individual rights and limit tax payer burden and you seem to have ignored that in this rewrite.

O'Shea – Those concerns will be addressed in a separate chapter that will provide an introduction to the plan and instructions for implementing the plan.

Fox – When reviewing the comments we noticed the recurring themes of protecting private property rights and choosing the most cost effective method, and we thought – Yes these are very important things that we need to have included for every goal and objective in this plan, but when we are drafting goals and objectives it is difficult to include those things in each goal and objective. If we did that for every goal that should be considered we would end up with one thousand pages because we would just be repeating the same thing over and over. So we thought, in the interest of time, and the interest of saving paper, we would list those things at the very front of the plan in an introductory chapter that says: these are the things that we need to consider when we are implementing this plan, these are the most important things and that is why we are putting them at the beginning of the plan.

Comment – What I am hearing from people tonight is that this should not be about taking more control.

Q – If you have goals for cost effectiveness and for green roofs, which one would win out?

O'Shea – It would be decided on a case by case basis. With every type of development, we send out letters to surrounding property owners and give them an opportunity to say that this may impact their property negatively. The Board of Supervisors can then prevent or mitigate the negative impacts.

Q – What is the thought process behind who maintains the bioswales and watershed practices post construction?

O'Shea – Generally that is a local decision. The City of Dubuque has taken on some of those maintenance issues. The County probably will not. They will require a homeowners association to maintain those structures.

Bonz – In Asbury the developer maintains the basin until the subdivision is completed and for a specified maintenance period. Then, when the maintenance period ends, the City takes over the maintenance.

Q – If some enforcement was needed for maintenance, the developer can't enforce that. Where would that come in?

O'Shea – If it is on private property it would be more difficult to enforce. In the County a basin would be on an easement or on a separate lot that is owned by the association.

Schmechel – Many cities have different polices, but the city or county could send a letter to the developer or the homeowner's association if the stormwater infrastructure is not in compliance and address it that way. Easements are important in final plats that are approved so someone can have access to a bioswale and do long term maintenance.

Q – Who decided what part of these comments to keep and not keep?

O'Shea – The Board of Supervisors has asked the Consortium to review this and make a recommendation. I worked with both Dan Fox and Eric Schmechel to review the comments and make the recommendations on the chapters and then we brought those to the Consortium to review.

### **Comments from the public on an item that does not appear on the agenda**

Q – When your Consortium has questions who do you turn to?

O'Shea – We get information from several sources including Iowa State University Extension, Census Bureau, and other cities or counties. Gary Taylor from Iowa State University is a great resource for the County, among others.

Q - What will the Board of Supervisors receive when they go to adopt this?

O'Shea – We will provide the recommendations, along with meeting minutes, and other comments that have been submitted from the public.

Comment – When the cities and counties adopt these plans they need to get them into the ordinance.

O'Shea – You will have an opportunity to see every change that we recommend for the zoning ordinance if you come to these meetings or sign up for the email list.

Q – Will you be looking at drafting ordinances to implement the Agriculture and Natural Resources chapter?

O'Shea – Our stormwater and erosion control ordinance that is already in place follows the plan closely. We are focused on the zoning code now, and don't have plans to work on any other ordinances at this point.

Q - When will this be on the Supervisors agenda?

O'Shea - We hope to take it to the Board in May or June, and we plan to do it at a night meeting.

Q – We have gone through two chapters here tonight, there are 13 chapters total, I see this as a flawed plan because we haven't reviewed all the chapters.

O'Shea – You have an opportunity to submit comments at any time, and you can make that comment to the Board if you want. If you want, you can submit that comment in writing to me and I will get it to the Board.

Q – I want to make sure that all the comments that are made tonight both positive and negative make it to the Board of Supervisors.

O’Shea – All comments will be recorded in the minutes.

**Other Business**

The next meeting will be held at 10:00 a.m. on Wednesday, April 23, at the Meadows in Asbury.

**Adjournment**

Motion by Bonz, second by Snyder to adjourn the March 26, 2014 Smart Planning Consortium meeting. The motion passed unanimously. The meeting adjourned at 8:16 p.m.