

**SMART PLANNING
Meeting Minutes**

August 28, 2013

10:00 a.m.

The Meadows

15766 Clover Lane, Asbury, IA

Consortium Members

- | | |
|--------------------------------------------------------------------------|------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Anna O'Shea-Dubuque County | <input 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 type="checkbox"/> Dave Johnson (proxy)-City of Dubuque | <input type="checkbox"/> Bill Einwalter (proxy) – City of Farley |
| <input checked="" 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 type="checkbox"/> Eric Schmechel-Dubuque SWCD |
| <input checked="" type="checkbox"/> Mick Michel-City of Dyersville | <input type="checkbox"/> Chandra Ravada-ECIA |

Public Present

Paul Kurt
Larry Decker

Staff Present

Kelly Ludwig, City of Peosta
Jim Bodner, Dubuque County
Dan Fox, ECIA

Call to Order

The meeting was called to order by Anna O'Shea at 10:04 a.m. The Smart Planning meeting for August 28, 2013 was held at the Meadows in Asbury, Iowa.

Approval of the Agenda

O'Shea requested that the group amend the agenda by moving the item "Review/Approve Adding Bill Einwalter as Proxy for Joyce Jarding, City of Farley" currently listed under other business to the beginning of the agenda following the approval of the agenda. O'Shea also requested that the group add approving Kyle Kritz as proxy for Laura Carstens, City of Dubuque to the item.

Motion by Bonz, second by Snyder to approve the agenda for August 28, 2013 as amended. The motion passed unanimously.

Review/Approve Adding Bill Einwalter as Proxy for Joyce Jarding, City of Farley and Adding Kyle Kritz as Proxy for Laura Carstens, City of Dubuque.

Motion by Michel, second by Bonz to approve Bill Einwalter as proxy for Joyce Jarding, City of Farley. Motion passed unanimously.

Motion by Michel, second by Snyder to approve Kyle Kritz as proxy for Laura Carstens, City of Dubuque. Motion passed unanimously.

Review and approve the minutes from the Wednesday, July 24, 2013 Smart Planning Consortium Meeting

The consortium reviewed minutes prepared by Fox. Corrections were made.

Motion by Bonz, second by Jarding to approve the minutes from Wednesday, July 24, 2013 as amended. The motion passed unanimously.

Comments from the public that do not appear on the agenda.

Two members of the public were present.

Paul Kurt made a comment. Mr. Kurt stated that he was questioning the roster that was passed around at the August 24th meeting. How many people signed it? O'Shea reported that seventeen people signed the sign in sheet at the meeting. Mr. Kurt asked how many people were there. O'Shea replied that there were seventeen.

Larry Decker stated that he wanted to make a comment that so much of the Smart Plan does not apply to County government. Why does the County care if people drive fuel efficient cars or walk to work? It is out of their jurisdiction. The other objection that he has is at the July 16th County zoning meeting two references were made to deny a zoning request, based on not having city services out to the farm. Later on it says they were going to use Land Evaluation Site Assessment (LESA) to determine where houses can be built in the country. Well which is it? City services don't go out to the country. There are lots of scrub parcels out there. Isn't anybody going to be able to build in the country anymore because they don't get city services?

O'Shea replied that it was the Consortium's desire to see most of the development occur within city limits because that helps the cities to be sustainable and to thrive, and also around the cities where city services could be added in the future to those developments. However, there is also a need for people to live close to where they work, if they work on a farm. If they have family in the area they may want to live close to

family. So there is a need, in some cases, for residential to be out in the county, and we currently allow both scenarios to occur.

Mr. Decker repeated “you allow”, that means you have final say over where people live. Last he heard this was a democracy, and the County should allow people to live as they want to live. O’Shea replied that we do give people that choice, but they may not be able to do exactly what they want to do every single time because maybe there is a road that isn’t adequate to serve that residence if it’s Class B or C road. There may be neighbors that are farming in the area and don’t want to see additional residential development. There are a lot of different things that determine whether a zoning will be approved or not.

Mr. Decker stated that in the July 16th case it was a scrub parcel that the guy couldn’t use to farm. He had three and a half acres that was across the road from his other land. It was denied and it was stated in the minutes that there were no city services there. Therefore, the Smart Plan, something that doesn’t have any teeth, grew some fangs pretty quick.

O’Shea asked if he remembered which case that was and Mr. Decker replied that it was the Pfab’s. They have three and a half acres down on 52. O’Shea reported that was a case where the property owners had property on two sides of the highway. The highway didn’t take all the property on the one side so there was a two to four acre parcel on that side. One of the neighbors came in and said that was where a drainage area was for the highway and for the water coming down the hill.

Mr. Decker replied that there is plenty of area for that water to go, it wasn’t in the flood plain, it was just a neighbor who didn’t want it to be there. Michel said that it went through its process and asked if Mr. Decker was able to attend the meeting. Mr. Decker replied that he was not able to attend the meeting. Michel suggested that Mr. Decker contact his county supervisor about this issue. Bonz asked if a zoning decision is denied by the County Zoning Board, does it still go to the board of supervisors? O’Shea replied that Yes, it goes with that recommendation to the board, and the board makes the final decision. If someone goes to the board of supervisors and doesn’t like the decision whether it’s the applicant or a neighbor, there is the court process that they can pursue at that point. Zoning is a legal process and sometimes people don’t agree. The zoning process is not new. The County Zoning Department refers to the comprehensive plan that was adopted in January when they prepare their reports for a rezoning case, so the new Plan is referenced.

Review Input from August 1st Public Input Meeting

Fox reported that Dubuque County had held a public input session on the Smart Plan on August 1. Michel asked why the Consortium was looking at these comments now. He suggested that the Consortium’s time would be better spent working on the zoning project. O’Shea reported that the Board of Supervisors had asked the Consortium to review the input from the meeting and provide recommendations to them. O’Shea suggested that this discussion could be tabled until the end of the meeting to allow for enough time to discuss business relating to the zoning project. The group agreed by consensus to table the item until the end of the meeting

Discussion on Impacts of Zoning

Fox stated that in previous meetings the discussion on zoning had focused mainly on the concept of zoning such as what zoning is, how zoning works, and reviewing example codes. Fox said that he would like to wrap up the conceptual discussions today, and in future meetings focus more on specific project related items. His goal for next meeting is to have an updated list of project goals and an updated project schedule.

Fox wanted to wrap up the conceptual items with a discussion on the impact of zoning. The group discussed several of the unintended impacts of zoning including increased cost and decreased property tax revenue. He suggested that one of the goals of this project should be to help elected officials understand the costs and benefits of zoning, and to use that information to create a zoning code based on local priorities. Discussion followed.

Discussion on Farley Community Survey

Fox presented the Farley Community Survey. He handed out a copy of the survey form and a copy of a letter from the mayor of Farley that was distributed with the survey. Fox reported that Farley used the survey to collect information for the city comprehensive plan. He commended the city for their efforts to distribute the survey forms to more than 500 households in the community with the help of Boy Scout volunteers, and for their efforts to collect the completed forms using drop boxes at local businesses. Fox told the group that approximately 100 forms had been returned, and that he had compiled the results, but would not be sharing them with the group because he had not yet shared them with the City. Fox stated that he wanted to present the Farley survey to be used as a model for possible future public input efforts. Discussion followed.

Discussion on Mason City Zoning

Fox reported that he attempted to contact the Mason City zoning administrator. He has not yet received a response. He will continue to attempt to make contact with someone from the Mason City Planning Department and will report back to the group if he does.

Recap of August 7th Congressional Visit

O'Shea reported that she and Eric Schmechel presented the Smart Plan and watershed management information to the congressional staff members on August 7th. She reported that the information was well received and that a comment was made by Rep. Chuck Isenhardt regarding adding an objective to support smart planning legislation at the state and federal level. This new goal will be discussed at a future time.

City Work Sessions

Fox will meet with the Dubuque County Zoning Commission at their September 17th meeting. The zoning project will be discussed under new business. Fox will schedule meetings with Epworth and Dyersville.

Discussion on Future Meetings

The next Smart Planning Consortium meeting will be held at 5:30 p.m. on Wednesday September 18, 2013 at the Dubuque County Emergency Responder Training Facility in Dubuque, Iowa.

Other Business

The Consortium agreed by consensus to approve the MSA Award Letter of Support.

Continued discussion on Review Input from August 1st Public Input Meeting

Michel left at this point in the meeting. The group resumed discussion on input from the August 1st Public input meeting. Fox presented a copy of meeting minutes on which he had highlighted comments that pertained to specific sections of the plan.

On page 3 of the handout, fifth paragraph, Mr. Recker asked about the Ag and Natural Resources Objective 1.5 “Promote programs and enforce ordinances that minimize soil erosion” and how that would affect agricultural practices.

Bonz referred to the goal that it was under, Goal 1, “To Encourage the creation of a sustainable environment that successfully balances urban growth and development with ecological constraints.” She said this objective is referring to urban growth and development and has nothing to do with agricultural practices. Consensus was to ask Jeff Pape to clarify how he wants to see it changed.

On page 4, first paragraph, Mr. Recker wanted to know the meaning of Objective 1.8, “Promote appropriate lifestyles and infrastructure changes to reduce causes and impacts of global and local climate change.” The Consortium felt that question was answered adequately in the minutes.

On page 4, fifth paragraph, Mr. Recker said he felt the words “meet or exceed” should be removed from the plan. This phrase can be found on page 48, Objective 13.3 under the Community Facilities Chapter, page 132 Objective 8.3 and Goal 12, and on page 161 Objective 9.2 under the Ag and Natural Resources Chapter. The Consortium reviewed the goals and objectives and discussed taking out the word “exceed”, change the phrase to be more consistent in all of the sections “to meet or exceed state and federal requirements,” or to keep it the way it is. Discussion hinged on the fact that meeting a federal or state requirement does not leave any room for error. Consensus was to keep it the same.

On page 5, last paragraph, Mr. Pape referred to Objective 3.3 under the Ag and Natural Resources Chapter, “Consider other factors besides Corn Suitability Rating to determine whether agriculture land preservation is appropriate.” He thought that objective was too vague. The Consortium reviewed Goal 3 and all of the objectives under that goal. They felt the goal serves as a guideline when deciding on development or rezoning cases in agricultural areas in the County. The Supervisors may want to adopt a Land Evaluation Site Assessment (LESA) sometime in the future, which is referred to in Objective 3.2. Objective 3.2 also refers to this objective as applicable “on sites proposed for non-farm development.” Therefore, the Consortium felt the goal was adequately defined and stated.

On page 6, paragraph 5, Watershed Management Objective 5.2 “Use shallow grassed roadside swales, boulevards and sunken parking lot islands with check dams instead of curb and gutter storm drain systems to handle runoff, wherever possible.” Mr. Pape questioned whether this should be only an urban application.

Bonz stated watershed management should be applicable to everybody. There are two questions that should be answered. One, should this be in the County plan? Yes, because we have urban areas in the County. Two, is this relating to agricultural practices? No. It is applicable to development, which creates impermeable areas that increase stormwater runoff. The consortium agreed.

On page 7, first paragraph, Mr. Pape referred to Objective 8.1 under Watershed Management Chapter. “Encourage local governments to adopt and/or create erosion control and stormwater ordinances or policies.” He thought this objective was addressing urban issues.

Bonz stated that the city of Dubuque and Asbury are Municipal Separate Storm Sewer System (MS4) communities and already must follow federal regulations in regard to stormwater runoff. O’Shea stated that Dubuque County has adopted an Erosion & Sediment Control and Stormwater Ordinance and the Board of Supervisors has advocated for stormwater management for several years throughout the county and in the smaller communities. This is a goal that the Board of Supervisors has wanted and should stay in the plan. The Consortium agreed.

On page 8, paragraph 4, Mr. Pape asked where objective 7.1 under the Watershed Management chapter regarding green roofs came from? This objective came from Eric Schmechel and is an alternative method to address stormwater runoff. There was no change recommended by the Consortium.

The last comment discussed was from page 10, second paragraph, where Dean Knepper referred to the definition of the words “must” and “may”. The Consortium discussed the definition of the words. Must usually means something is mandatory and may usually means something is permissive. These words and other similar variations are used in several parts of the plan. The Consortium discussed checking all sections of the plan for these words but they felt they would need a reason to put a definition in the plan. The Consortium suggested that the sentence, “This plan is not a code or ordinance” would be better than trying to define words such as must, may, shall, etc.

O’Shea provided one other comment that she received by telephone. It was from Phil Kemp, 18559 Boy Scout Road, Durango. Mr. Kemp said he was opposed to the Smart Plan. He thought there was too much regulation already. He suggested that the public input meetings be put on the front page of the newspapers. O’Shea asked if anyone else had received any comments. No one had.

Adjournment

Motion by Snyder, second by Bonz to adjourn the August 24, 2013 Smart Planning Consortium meeting. The motion passed unanimously. The meeting adjourned at 11:46 a.m.