

Envision 2035 Task Force Meeting Minutes

Date: December 4, 2014

Time: 3:30 p.m.

Task Force Present:

Bonnie Duffy, Larry Haug, Mike McAreavey, John Zomer, Bruce Aljets, Deb Bunde, and Ron Klingenberg

Advisory Board Present:

Jason Bieber and Andy Gabbert

Others Present:

John Parker, Brian Top, and Nick Fosheim

Staff Present:

Scott Anderson, David Heinold, and Kevin Hoekman

Item 1 – Big Idea Activity & Introductions

David Heinold gave a brief summary of the meeting agenda and asked task force members to introduce themselves as well as think about the following questions:

1. What do you love to do?
2. What is your big idea?
3. Think about something you care about.
4. What is your vision of the county?

Item 2 – Discuss Environmental Stewardship chapter

Kevin Hoekman presented a brief overview of the Land Resources section and expressed the importance of protecting areas of “prime farmland” as well as the need for reclamation strategies for sand, gravel, and quartzite operations. Mr. Hoekman also indicated that Todd Schuver sent his comments to staff because he was unable to attend the meeting. Mr. Schuver would like to see a couple sentences in the plan regarding the importance of sand, gravel, and quartzite resources on the local economy that may be used in local projects without the higher cost of importing materials. Mr. Hoekman also stressed the importance of preserving greenways and open spaces to maintain the ecological integrity of the County’s natural systems.

Mr. Heinold provided a quick summary on the importance of water resources in Minnehaha County along with implementation strategies to be successful in maintaining the hydrologic and ecological function of our waterways. He indicated that there should be a mention of the development of stormwater management program to mitigate the impacts of development, agriculture, and other sources of pollution within the watershed. He also discussed the upcoming consideration in the state legislature to create a more regional approach to agricultural drainage through the river basins within the state.

Deb Bunde questioned Goal 3, Action 3.3 and whether the county should be acquiring land. Mr. Hoekman indicated that a majority of this can be done through easements and that there are grant funds for floodplain mitigation strategies.

Mrs. Bunde also questioned property owners selling rights to use their land and the potential liability of easements. Larry Haug explained that it would be similar to Road Association agreements, which cover everyone in the association as well as the adjacent landowner themselves.

Mike McAreavey posed the question about what can be built in the floodplain. Mr. Hoekman mentioned that if a landowner wishes to build in the floodplain then they would need to meet certain criteria outlined by FEMA. Mr. Haug asked if the displacement requirements are still the same. Scott Anderson explained that the requirements have changed to include provisions that inform landowners in the 100-year floodplain that all structures need to be built at or above the base flood elevation and need to meet DENR requirements for septic systems. Bonnie Duffy also added that landowners have to purchase flood insurance to build in a flood-prone area. Mr. McAreavey mentioned that the determination to build in the floodplain depends on the expense of the building.

Ron Klingenberg questioned the strategy of controlling development in the floodplain with a greenway easement. Mr. Hoekman indicated that the easement could include a small strip of land within the aquifer/floodplain along the river.

Mr. Klingenberg also questioned leaving the property on the tax rolls, but taking away property owner’s rights and that easements are almost always never reverted back once granted.

John Zomer contemplated the liability as a landowner granting a greenway easement. Mr. Haug explained that liability issues can be solved with a similar agreement of a Road Association and

have certain assurance embedded in the policies. Mr. Zomer questioned wanderers off the trail and Mr. Haug indicated that it could be the same application.

Mr. McAreavey questioned why easements are the proposed method for obtaining public access along the waterway. Brian Top explained that most of the grant programs for this method don't allow bike trails. Mr. Zomer asked if this is practical to consider this action with flooding, damage, and mosquitoes among other effects.

Mr. Top stressed the need to acquire land because of the difficulty in obtaining easements. Mr. Anderson indicated that Action 3.3 gives the county options and asked the task force if it needs to be rephrased or taken out. Mrs. Bunde mentioned that it would be dependent on having an easement and that she would rather not have a trail on hunting land. Mr. Zomer also questioned the impact on hunting land. Mr. Anderson provided the example of the Mickelson trail, which may at some points cross through hunting areas. Mr. Haug pointed out that there should setbacks to these different areas. Mr. McAreavey questioned the difference between cows next to the river and humans using the trail because people pollute too. Mr. Zomer believes it would interesting to hear landowners' viewpoints and also indicated that there seems to be the reoccurring cohabitation between city/county people.

Mr. Klingenberg questions the need for Action 3.1. Mr. Anderson explained that we already enforce the Floodplain Development Ordinance, but it should be a continual effort to enforce these requirements and restrictions to development in the floodplain.

Mr. Klingenberg believes that Action 3.3 should be removed because this may constitute a taking and that property owners would still have to pay taxes and reap no economic benefit.

Mrs. Bunde asked what the future holds for the FSA programs and Mr. Top indicated that a top priority is to keep cattle out of the waterway with the addition of setbacks. There were a couple questions about the EPA's proposed water rule and the regulations associated with this rule concerning waterways.

There was some consensus that the land would need to be purchased and have a specific agreement regarding the use of the land. In addition, some of the task force members believe the verbiage in Action 3.3 should be changed to encourage/promote the use of land near riparian areas as greenways not to be acquired or removed from the list.

Mr. Klingenberg asked about the setbacks to Game, Fish, & Parks (GFP) public lands. Andy Gabbert mentioned that most of the time landowners cannot be limited from building next to these lands. Mr. Gabbert noted that GFP would like to see a landowner agreement similar to the right-to-farm notice covenant for landowners wishing to build within a 1/2 mile of these lands as an acknowledgment for living next to these areas.

It was mentioned by a few task force members that a bike trail wouldn't work, but the riparian area could be used as a greenway that may not be open to the public. Jason Bieber thought that Action 3.3 would be a good goal for 20 years, but it should be changed to promote the use of land as greenways. Mr. Bieber added that Sioux Falls would be supportive of a bike trail extension. Nick Fosheim noted that greenways are good conservation methods to prevent

development in the floodplain. It was mentioned that this idea may be nothing more than a pipe dream, such as wider roads. Mr. Gabbert explained that the Conservation Reserve Enhancement Program was designed to target and address specific high priority conservation and environmental objectives of the state. He proceeded to mention the James River Watershed Basin project as an example of something the county could look at similar to the present-day issues in the watershed. He added that any grass within the watershed area will help.

**Next Meeting: Thursday, January 29, 2015 from 3:30-4:30 pm
in the Commission Meeting Room**

Next Chapter: Transportation and Future Land Use Plan