



SCOTT COUNTY PLANNING AND ZONING COMMISSION

October 15, 2013
7:30 P.M.

MEETING MINUTES

First Floor Board Room
Scott County Administrative Center

MEMBERS PRESENT: Kent Paustian, Clayton Lloyd, Carolyn Scheibe, Allan Kluever, Gary Mehrens, Linda Rivers

MEMBERS ABSENT: Katherine Ion

STAFF PRESENT: Timothy Huey, Planning & Development Director
Brian McDonough, Planning & Development Specialist
Dee Bruemmer, County Administrator

OTHERS PRESENT: Approximately 4 members of the public

- 1. CALL TO ORDER:** Chairman Paustian called the meeting to order at 7:30 p.m.
- 2. Minutes:** Commissioner **Lloyd** made a motion to approve both the September 17, 2013 and the October 1, 2013 meeting minutes. The motion was seconded by **Kluever**.
Vote: All Ayes (6-0)
- 3. Discussion of Periodic Review of the Scott County Comprehensive Plan:** Presentation and discussion of proposed updates to Chapter 2: Vision, Goals, and Objectives

Planning Director Tim Huey detailed the Comprehensive Plan review and update process to date. He explained the difference between goals and objectives and policies. Goals are broad visions that the Comprehensive Plan lays out for the County, while objectives and policies are the means for carrying out the goals and include specific actions or strategies. Huey stated that staff has prepared some new language amendments to Chapter 2 of the Comprehensive Plan, including changes and additions to the goals, objectives, and policies sections.

Huey explained the proposed changes in detail. The first proposed change was an addition to the first goal in the County Goals section which reads "Protect and conserve the natural, human, and economic resources which are the basis of the agricultural economy and rural lifestyle of Scott County." Staff proposed the following language be added to this goal: "while ensuring that serious consideration will be given to all economic development opportunities that would result in significant benefits to the local and regional economy. The next proposed change was to add a sixth objective to the Land Use Objectives section which reads, "Encourage commercial and/or industrial development, that due to unique siting criteria, may necessitate the development to be located outside municipal boundaries and also due to its significant positive economic impact, with the retention and creation of jobs, an increase in the County's tax base and other positive economic effects, may outweigh the benefits of preserving productive farmland." In the Land Use Policies section of Chapter 2 a proposed new policy reads, "Scott County also recognizes that certain economic development opportunities due to their nature, scale, scope and economic development benefits may need to locate in the rural, unincorporated area of the county, the following are additional guidelines for reviewing proposed new development of a large scale or unique character: The number, type and wage scale of the jobs to be created with a proposed development, the capital investment and taxable value to be generated by the development, the adequacy of the roads and transportation system to handle the traffic and serve the needs of the development, and the unique nature of the development due to its size, scale, scope, and type that make a rural location more appropriate than within an urban area." Lastly, Huey stated the final proposed changes to be included in the Economic Development Objective section of Chapter 2. The opening paragraph of the section would have language added which reads, "while ensuring unique economic development opportunities are given serious consideration." Also a fifth objective was proposed which read, "Ensure that Scott County will seriously consider large scale and/or extraordinary economic development opportunities that due to their size, scale, scope and type are determined to have significant positive economic impacts."

Huey explained the proposed changes and additions. He emphasized that while the Comprehensive Plan is a policy document, these proposed changes simply allow for the consideration of large scale economic development opportunities, and do not require anything. The proposed language changes will allow the County to reasonably defend a rezoning challenge for a large scale development if it was approved. Spot zoning challenges are reviewed using a three-prong approach, with one of those prongs requiring that a rezoning is in accordance with the policies of a Comprehensive Plan. Without this language the County would surely not meet this requirement, but with such language a reasonable argument could be made that this requirement is met. Huey re-emphasized that this language allows for consideration, but ultimately any future request would be evaluated upon its merits at that time. Again, the language allows for the serious consideration of future large scale projects, and positions the County to legally defend such a future project if it is approved through the rezoning process. Huey stressed that Scott County remains an Ag preservation county, with a strong emphasis on protection of prime agricultural land and protection of existing Ag operations. The proposed language changes should not be interpreted to mean that small scale

commercial and industrial development would be allowed. What determines small scale versus large scale will be determined by future requests and the Planning Commission's and Board of Supervisor's review of such proposals. Huey noted that no one is viewing this as a way to allow retail commercial business or gas stations or even 20 or 30 acre car lots, junk yards, or other similar uses. Whether a 50 to 100 acre automobile plant or a 300 acre fertilizer manufacturing plant fits into this language will be up to the Planning Commission and Board of Supervisors to decide at the time of such a proposal. However, the history and Ag preservation policies of the County, and its consistency in administering these policies, makes it very unlikely that small scale commercial/industrial development would be approved under any of the proposed language changes to Chapter 2.

Huey opened the floor to the Commissioners for reaction and discussion on the proposed changes.

Rivers proposed adding the language "recognize and consider" as a replacement for "encourage" at the beginning of the proposed additional sixth Land Use Objective. Rivers stated that encourage was too strong.

Kluever asked if there was a problem adding this language when the rest of the language in the Plan encourages protection of farmland.

Huey responded that the proposed language aims to aide in the consideration of large-scale projects, and does not aim to allow small scale industrial and commercial development.

Kluever responded that the proposed language made no mention of locating any possible future large scale development on marginal Ag land.

Huey stated that there likely does not exist, a large, contiguous tract of marginal Ag land in Scott County. Market forces will decide where a specific development proposes to locate. Huey made the point that the County has no control over land that is annexed into surrounding cities, and which is often highly productive farmland. While the County's Ag preservation policies continue to protect unincorporated farmland, such a practice in conjunction with discouraging large-scale development from taking place out in unincorporated areas leads to more annexation of prime farmland by cities, and the loss of industrial tax base for the region (if it is a land use which necessitates a rural location) or at best, the location of such land uses on prime farmland in incorporated cities.

Lloyd suggested that we could add onto proposed Land Use Objective 6 or add as a separate objective the notion that such large scale proposals be first directed toward established cities and marginal agricultural land, to the extent possible, before locating on prime farmland in unincorporated parts of the County. He also suggested adding the phrase "such as" to replace "with the" appearing in the middle of the text of the proposed Land Use Objective 6. "May necessitate the development to be located outside municipal boundaries and also due to its

significant economic impacts . . ." ADD "such as" immediately following and preceding "retention and creation of jobs . . ."

Chairman Paustian expressed his opinion that this process and the proposed language changes in particular feel as if they have been forced upon the Commission for approval. He stated that this feels as though the Board of Supervisors is telling the Planning Commission how to update the Plan as they see fit, when the Commission is supposed to be the independent body recommending such changes to the Board. Paustian stated that he has heard from several reliable sources that Orascom never seriously considered Scott County as a location, but only used the incentives we offered them to bargain with other jurisdictions. Paustian mentioned the presentations from a few meetings prior where other jurisdictions encouraged the County to prepare for the location of large scale industrial development, while stating that they would not want such development in their own communities.

Huey stated that he wants to be clear that this language is a guide when reviewing proposals, and does not commit the Commission, present or future, to any action, but rather allows for the serious consideration of large scale development proposals. He noted that the Orascom site, if approved, would have gone from generating approximately \$18,000 per year in property tax revenue to generating approximately \$7,000,000 per year. Huey explained that protecting prime farmland has been a long tradition in the County, but cautioned that doing so at the expense of any large scale commercial or industrial development, regardless of its economic impacts, places the burden of providing County services primarily on existing Ag and residential properties. He noted that Ag land is clearly the largest land use in rural Scott County, yet it pays very little proportionally in property taxes.

Rivers noted that farmers generate over \$100 million in income in Scott County, and that should be considered economic development as well.

Kluever agreed with Rivers and stated that adoption of these new policies would jeopardize prime Ag land in the County.

Scheibe stated that the language appeared too broad to provide continued protection for Ag land.

Mehrens stated that he supports Chairman Paustian, and feels the proposed language goes against the County's Ag preservation policies, and therefore he cannot support the changes.

Scheibe asked if there was any way to amend the proposed language so that some aspect of them could be adopted.

Huey explained that the Commission could make any and all changes that they want to the policies, however it appears as if there is a philosophical disagreement with the reasoning for adopting such policies in the first place. Huey said that if the Commission agrees that they do

not want to pursue anything which would allow for consideration of large scale commercial or industrial development, then that is okay. Any decision to change or not change the Comprehensive Plan originates with the Commission, and they should act in accordance with their best judgment. Huey explained that if the Commission does not see a difference between a 100 plus acre industrial development opportunity and a small scale commercial operation, and truly believes that these proposed changes would allow for both, then not much else can be said or done at this point.

Scheibe asked what the next steps are, because after this discussion the entire Comprehensive Plan update seems to be in question.

Huey agreed that it very much is in question, and that his suggestion would be to continue with their next planned item, which is to have Bill Martin from the Quad Cities Chamber and Quad Cities First come and present to the Commission on Certified Sites programs. Huey explained that Mr. Martin travels frequently for his job, and that planning staff has been trying to find a date that works with his schedule. He is able to present at the November 19th Planning Commission meeting, and if agreeable to the Commission that date will be set.

There was agreement amongst the Commissioners that they did want to hear from Bill Martin on November 19th, and Huey said he would notify Mr. Martin and him as the first agenda item for that meeting.

Huey ended by stating that despite the recent reaction and discussion around the proposed Comprehensive Plan changes, he still sees opportunity for further discussions. Particularly, the zoning ordinance needs revisited in certain sections, and overall could be better organized. He also stated that the future land use map should still be revisited on a township by township basis.

With no other business to discuss, Chairman Paustian entertained a motion for adjournment. It was moved by Mehrens and seconded by Kluever to adjourn the meeting. Motion passed unanimously. The meeting adjourned at 8:25 P.M.