



**SCOTT COUNTY
PLANNING AND ZONING COMMISSION
September 2, 2014
7:30 P.M.**

MEETING MINUTES
First Floor Board Room
Scott County Administrative Center

MEMBERS PRESENT: Clayton Lloyd, Gary Mehrens, Carolyn Scheibe, Allan Kluever, Katherine Ion, Linda Rivers, Tony Knobbe

MEMBERS ABSENT: None

STAFF PRESENT: Timothy Huey, Planning & Development Director
Brian McDonough, Planning & Development Specialist

OTHERS PRESENT: Two (2) members of the public: Robert and Diane Holst

1. **Call to Order:** Chairman Lloyd called the meeting to order at 7:30 P.M.

2. **Minutes:** Rivers asked to change her comment in the previous minutes from “vacant lots” to “dozens of half-finished houses.” This comment was in regards to her stated objection to a rezoning request in part of Pleasant Valley and LeClaire Townships. **Chairman Lloyd** asked that Tom Pastnak and Ronald Claussen both be listed as others present in the previous meeting minutes. **Knobbe** made a motion to approve the August 19, 2014 meeting minutes, as amended. The motion was seconded by **Kluever**.

Vote: All Ayes (7-0)

3. **Zoning Ordinance Review and Update Work Session** – Planning Staff and Planning & Zoning Commission.

Planning Director Timothy Huey presented the format for the work session. Staff would be reviewing Section 6-1 (Title), Section 6-2 (Scope and Purpose), Section 6-3 (Farm Exemptions), Section 6-4 (Interpretation of Standards), Section 6-6 (Establishment of Districts), and the General Intent section of each zoning district. **Huey** explained that staff is suggesting minor changes to most sections that reinforce the existing regulations and enforcement. He noted that the largest change would be a proposed new Industrial Overlay zoning district to replace the current Heavy Manufacturing District.

Huey reviewed Section 6-1 and explained that staff was suggesting a minor change to eliminate unnecessary language. Next, staff reviewed Section 6-2. **Huey** stated that he suggested removing the current reference to Iowa Code Chapter 352 Land Preservation and Use. He explained that this section of Iowa law is separate from Chapter 335 County Zoning. Chapter 352 allows property owners to voluntarily place an agricultural only use restriction on their property. Other suggested changes to Section 6-2 included replacing references to the 1980 Development Plan and 1993 Iowa Code with reference to the 2008 Comprehensive Plan and 2014 Iowa Code. Staff also suggested adding reference to addendums and amendments to the Comprehensive Plan, as well as adding the phrase “to protect farming operations.” **Huey** explained that he wished to make it clear that the County’s Ag preservation policies are meant not only to protect prime farmland, but also to protect existing Ag operations.

Chairman Lloyd asked for clarification about the Land Preservation Use Act.

Huey responded that it is completely separate from County’s ability and authority to zone granted under Iowa Code Chapter 335. He stated it is essentially a voluntary land use control available to private property owners which allows them to restrict the use of their land to agricultural. County zoning would still apply to that land, but only has effect if it does not conflict with any existing voluntary use controls.

Rivers asked to leave “or otherwise developed” in Section 6-2. **Following a brief discussion by the Commission they reached a consensus to leave the language in place** in order to depict that the Ordinance does regulate grading and other types of non-structural development.

Mehrens asked to remove the word “prime” before agricultural land in Section 6-2. **The Commission reached a consensus that this was appropriate** given that prime farmland is defined elsewhere in the Ordinance, and the Scope and Purpose section should give the impression that the Ordinance protects agricultural land generally, and not just prime land.

Kluever asked what “reasonable access to solar energy” meant, and why it was in the Ordinance. **Huey** responded that this has been in Section 6-2 since its original adoption in 1981, and it supports language in the Comprehensive Plan related to encouraging and allowing for adequate access to renewable energy sources. **Huey** saw no reason for removing or altering the language, and said it primarily serves to aid in the defense of some action taken to ensure access to renewable energy under the Ordinance.

Lloyd asked if anything in the ordinance specifically enforces the protection of soil from wind and water erosion. **McDonough** responded that the local National Resources Conservation Service (NRCS) is notified of rezoning and subdivision requests for review and comment specifically on soil erosion and drainage issues. **Huey** stated that the language exists to generally bolster other specific sections of the Ordinance and defend against legal challenges.

The Commission reached a consensus on the changes to Sections 6-1 and 6-2 as presented by staff and amended through discussion by the Commission.

Huey explained that no changes are proposed to Section 6-3 Farm Exemptions. Past legal challenges prompted the County to amend this section completely in 2011 in conjunction with the County Attorney's Office to exactly mirror State law.

Knobbe asked if farm activity separate from buildings such as fencing, drainage, etc were also exempt from zoning? **Huey** replied that anything related to farming occurring on land primarily adapted for Ag purposes is considered exempt. This would include farmhouses and other Ag buildings as well as fencing, grading, etc.

The Commission reached a consensus and agreed with staff that no changes should be made to Section 6-3.

Huey reviewed Section 6-4, Interpretation of Standards, and stated that a small change is recommended to make it clear early in the Ordinance that the Zoning Administrator is ultimately responsible for determinations and interpretation of the Ordinance, and that such decisions may be appealed to the Zoning Board of Adjustment. **The Commission reached a consensus on the changes.**

Huey went over Section 6-6, Establishment of Districts. He explained that no changes were being proposed to the three (3) current floodplain overlay districts, which regulate floodplain development in the County.

Knobbe asked if the County's regulated floodplain changes with FEMA. **Huey** responded that it does, and the County is currently on 2011 maps from FEMA. Any new maps have to be adopted by the Board of Supervisors.

Huey went over the current and proposed list of zoning districts. He highlighted the current list as a great example of why this process is occurring. All of the current zoning districts are not referenced in the Establishment of Districts section. Proposed changes included renaming the Ag Floating Zone to Ag Commercial Service Overlay (A-CS), adding a Community Area Development Residential District (CAD-R) to address Park View and Village Oaks subdivisions, listing the Community Area Development Park View Commercial District (CAD-PV) in the Establishment of Districts section, adding the Solid Waste Disposal Site Overlay District (LF) to the Establishment of Districts section, and replacing the Heavy Manufacturing District (M) with a new proposed Industrial Overlay District (I). **The Commission reached a consensus and agreed with the re-ordering of the zoning districts in this section, as proposed by staff; realizing that a separate discussion(s) would still take place on the proposed replacement of the existing Heavy Manufacturing District (M) with an Industrial Overlay District (I).**

Huey began with the Ag Preservation district, and went over staff's proposed changes. He stated that there are no major shortcomings with this district. However, it has been the County's intent to protect not only prime farmland, but also to protect Ag operations, and staff proposed adding this language about protecting existing Ag operations. New language was also proposed to incorporate the potential for overlay district rezoning's. **Huey** explained that the overlay districts technically could be considered and approved in any zoning district so long as the determination was made that the specific criteria for land use changes for such Overlay Districts, and the County's Comprehensive Plan Land Use Policies, are met.

Mehrens asked to remove the reference to “prime” farmland, so it reads just “preserve agricultural land.” Discussion took place regarding this issue. Prime is defined elsewhere in the Ordinance and all agreed that the County’s intent was to protect and preserve all farmland, regardless of its productivity.

Ion had an issue with removing the reference to adequately paved roads. A brief discussion took place, and staff pointed out that all land use changes are reviewed using the Land Use Policies in the County’s Comprehensive Plan, which specifically mentions access to paved roads. Furthermore, the overlay districts specifically require adequate paved road access as a condition of rezoning. **The Commission reached a consensus and agreed to staff’s proposed changes, including the removal of the word “prime” as suggested by Commissioner Mehrens.**

Huey reviewed the existing and proposed language to the Ag General District. Staff’s minor changes were similar to the changes to the A-P District and included referencing the overlay districts and adding language for protecting Ag operations. **Huey** explained that A-G was a holding zone until a compatible development proposal could be approved. **Lloyd** asked to remove the word “urban” prior to the mention of a compatible development proposal, with the thought that any new development proposal would not have to be decidedly urban. Discussion by the Commission also took place regarding removal of the word “prime” prior to “agricultural land” similar to the change to the A-P District. For consistency, the Commission decided this was best. **The Commission reached a consensus and agreed to staff’s proposed changes, to include the removal of “prime” and “urban” as proposed by the Commission.**

Knobbe asked for clarification on uses in A-G. He stated a concern that certain land uses, unwanted in a city, could be enticed to the County. **Huey** explained that a limited number of educational and institutional land uses are allowed in A-G, including churches and schools. A complete review of each zoning district’s permitted and accessory uses will take place in the near future by the Planning Commission as part of this Zoning Ordinance review and update process.

Huey reviewed the existing A-F District and proposed changes. He stated that staff does not like the term floating district, and proposes to use the term overlay district to describe the concept. The Commission agreed that overlay is a better description. In addition, staff recommended cleaning up the language to include reference to approving rezoning’s in any District, provided the specific criteria are met. Those specific criteria are now referenced upfront in the General Intent section of the District to reflect that all conditions pertinent to a rezoning request are presented to the Commission and addressed prior to any decision. **The Commission reached a consensus and agreed with staff’s proposed changes.**

Mehrens asked how many A-F zoning districts currently exist. **Huey** stated that there have been four (4) A-F rezoning’s during his tenure, with only one (1) ever developed, which was Meyer Chemical just west of Maysville. The Commission discussed the possibility of exercising their ability to rescind rezoning’s after two (2) years’ time and proper notice.

Huey explained that no changes are proposed to the R-1 District General Intent section. **Huey** reviewed the proposed changes to the R-2 District, which only included rewording the section to make it clear that any proposed two-family and multi-family developments would require site plan review. **The Commission reached a consensus and agreed to staff’s proposed changes.**

Huey presented the General Intent of the proposed Community Area Development Residential District (CAD-R). **Huey** explained that currently staff applies the R-1 District regulations to the residential areas of Park View and to the Village Oaks Subdivision, even though both were developed as CAD's, and therefore are not zoned R-1. The proposed CAD-R District General Intent section would apply the R-1 regulations to these residential CAD's while allowing for the introduction of specific CAD regulations where the R-1 regulations do not make sense. The CAD-R would apply to those residential areas of Park View identified on the original Master Plan. For areas shown as apartments and townhouses on the original Park View Master Plan, the R-2 regulations shall apply, but again with the ability to also apply different or additional regulations. **The Commission reached a consensus and agreed to staff's proposed changes.**

Huey reviewed the existing C-1 regulations and staff's proposed changes. Language was proposed which would make it clear that the C-1 District is primarily intended for smaller commercial businesses, which are limited in size and scope. **Huey** stated that it should be made clear that C-1 is not intended for general commercial businesses or large scale commercial businesses. **The Commission reached a consensus and agreed to staff's proposed changes.**

Huey reviewed proposed changes to the Park View Commercial District. Staff proposed changing the District name from "CPV" to CAD-PV to highlight the fact that this is a CAD zoning district. The other proposed change was to remove the existing reference to a higher standard of design and type of commercial development. **Huey** stated that this language has been in the Ordinance since its adoption; but that it is not at all clear what this higher standard is or how it would be enforced, therefore it is recommended to remove it all together. **The Commission reached a consensus and agreed to staff's proposed changes.**

Huey reviewed the existing C-2 District language and proposed changes. Staff proposed modernizing the language by removing reference to the "highway traveling public" and "accommodation of auto and truck oriented commercial development." This language was replaced with reference to the need to provide areas for general commercial and highway commercial and light industrial uses to serve the County and Quad Cities area." **The Commission reached a consensus and agreed to staff's proposed changes.**

Huey went over the proposed new Industrial Overlay District. He explained what staff views as the shortcomings of the existing Heavy Manufacturing District, and why this proposed Industrial Overlay District better addresses Industrial development in the County. The current "M" District lists every use as a special permitted use, requiring additional approval from the Zoning Board of Adjustment. **Huey** explained this is uncommon and represents poor planning by allowing for a situation where the Planning Commission and elected Board of Supervisors would have to decide on a rezoning request contingent upon Board of Adjustment approval. The impact on the surrounding neighborhood, upon which a special use permit is decided, should be considered at the rezoning stage so that decisions are made in light of all of the facts. This proposed Overlay District is a means by which the site specific criteria can be required at the rezoning stage, and the Planning Commission and Board can decide in light of such factors. **Huey** compared this overlay district to the Ag Commercial Service or Ag Floating District in that the site plan review and rezoning happen simultaneously. The criteria required to be met for an Industrial Overlay rezoning would be developed by the Planning Commission through this Ordinance review and update process. **Huey** explained that all previous "M"

rezoning's during his tenure as Planning Director were conditional rezonings, where a specific use was approved at the time of the rezoning. He cited Wilson Concrete at the intersection of Y48 and Highway 61 as an example of a conditional rezoning to Heavy Industrial.

Rivers asked if there was a requirement that the existing zoning be commercial before land could be rezoned to heavy manufacturing. **Huey** responded that a rezoning petition could be submitted for any land regardless of its current zoning classification. He explained that the overlay zones provide specific site criteria that must be met for the rezoning to occur.

Kluever asked what the criteria would be for the Industrial Overlay District. **Huey** responded that the Commission would draft the criteria at subsequent meetings if they were comfortable moving ahead with this concept.

Mehrens stated concerns about how industrial development may affect farming operations, especially underground drain tiles. He added that the Natural Resources Conservation Service (NRCS) has provided little help with this issue, and it is a problem in other Counties that have industrial development. **Huey** responded that that is exactly the kind of discussion the Commission will need to have at future meetings when the site specific criteria are developed. He stated that the Commission could propose a condition requiring that farm tiling not be negatively affected, for example.

Rivers stated that she saw this Industrial Overlay District as a back door to allow another Orascom-type development. She stated that this approach would allow the Planning and Zoning Commission to recommend denial, but allow the Board of Supervisors to legally defend a decision to approve such a rezoning. **Huey** responded that the current Industrial zoning district is inefficient and out of date, and this is the best means of replacement. **Lloyd** commented that he understands the concerns related to changing the current manner in which the County addresses industrial land uses, but stated the overlay district concept will allow the Commission and the Board to have more site specific information at the time they decide on a rezoning request. **Huey** commented that the current setup has the Commission and Board deciding on the rezoning without detailed site specific information, or at least without the requirement that it be submitted, while putting all of the pressure on the Board of Adjustment to make such determinations after the rezoning issue is decided. He commented it would be better planning to have more information at the rezoning stage. **Rivers** asked if this would allow any commercial or industrial development such as a General Motors plant. **Huey** responded that it would certainly allow for the potential of such development, depending upon other factors. **The Commission reached a consensus to move forward with establishing an Industrial Overlay District as proposed by staff, and that future work sessions would be used to establish criteria and uses.**

Huey went over the LF Solid Waste Disposal Site Overlay District. The name was proposed to change from Solid Waste Disposal Sites to Solid Waste Disposal Site Overlay District. No other changes were proposed except moving the listed regulations up alongside the other zoning districts in a higher section of the Ordinance. **The Commission reached a consensus and agreed to these changes.**

Huey reiterated that no changes were proposed to any of the three (3) floodplain overlay districts. **Huey** went over the last proposed changes, which were to the Community Area Development Administration section. He explained that no new CAD's may be considered, but that this section

provides a mechanism for amending existing CAD's. Staff proposed some minor text changes, including specifically listing the two existing CAD's, Park View and Village Oaks.

Chairman Lloyd provided an opportunity for any members of the public to make comments.

Diane Holst (20012 240th Street) asked to add the word "all" in the General Intent section of both the A-P and A-G Districts in regards to overlay districts. She wanted it to be clear that any of the overlay districts could be approved in A-P or A-G. **The Commission reached a consensus and agreed to the proposed change.**

Robert Holst (20012 240th Street) asked the location of Village Oaks. **Huey** responded that it is located in far southwesterly Scott County in Buffalo Township, just off of 70th Avenue.

Knobbe asked staff for the expected lifespan of the County's existing landfill. **Huey** responded that he did not know, and the Scott County Waste Commission could answer that question.

Huey went over next steps in this process. A joint meeting and work session with the Board of Supervisors and Zoning Board of Adjustment has been confirmed for October 7th at 7 P.M. At that meeting there will be discussion on how to best solicit public input throughout the Zoning Ordinance update process. It will also be an opportunity to go over common variance requests heard by the Board of Adjustment, and potential Ordinance changes that would address such requests. It will also be a chance to discuss the Board of Adjustment's experiences in granting special use permits. **Lloyd** suggested that staff give a brief presentation to update the other Boards on the progress of the Zoning Ordinance review thus far.

Lloyd entertained a motion for adjournment. It was moved by Mehrens and seconded by Scheibe to adjourn. Motion passed unanimously, and the meeting adjourned at approximately 9:35 P.M.