



**SCOTT COUNTY
PLANNING AND ZONING COMMISSION
October 7, 2014
7:00 P.M.**

MEETING MINUTES
First Floor Board Room
Scott County Administrative Center

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

MEMBERS ABSENT: Gary Mehrens (excused)

OTHER BOARDS PRESENT: **Scott County Board of Supervisors (All Present):** Larry Minard, Jim Hancock, Tom Sunderbruch, William Cusack, Carol Earnhardt
Scott County Zoning Board of Adjustment (4/5 Present): Myron Scheibe, Tom Dittmer, Chris Gallin, Ed Winborn, Mary Beth Madden (**absent**)

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

OTHERS PRESENT: Approximately six (6) members of the public including Robert and Diane Holst

1. Call to Order: Chairman Lloyd called the meeting to order at 7:00 P.M. and asked for introductions from all Board and Commission members as well as planning staff.

2. Minutes: **Knobbe** made a motion to approve the September 2, 2014 Planning Commission meeting minutes. The motion was seconded by **Scheibe**.

Vote: All Ayes (6-0)

Chairman Lloyd asked Board of Supervisors Chairman Minard if he would like to make any opening comments. **Minard** thanked all of the Board and Commission members for attending. He stated that the annual joint meetings between the Board of Supervisors and the Planning Commission and Zoning Board of Adjustment are important, and help move Scott County forward. He understands that all members are dedicated public servants who are interested in improving the County. He thanked the Planning Commission for inviting the Board of Supervisors.

Chairman Lloyd asked Planning Director **Tim Huey** to present the zoning ordinance review and re-write process.

Huey explained the history of zoning and comprehensive planning in Scott County. He noted the adoption of the County's first Comprehensive Plan in 1980 and the County's current Zoning Ordinance in 1981 as an important turning point where the County began strictly regulating new development in agricultural areas of unincorporated Scott County. He explained that the County updated the Comprehensive Plan in 2008 through a public input process, whereby Scott County citizens reaffirmed the goals of the 1980 Plan, and the County continues to strictly regulate new development in Ag zoned portions of the County. **Huey** explained the roles of the Planning & Zoning Commission, Zoning Board of Adjustment, and Board of Supervisors. The Planning Commission makes recommendations to the elected Board of Supervisors on land use requests, and is also responsible for approving site plans for new developments and significant expansions and reviewing and recommending changes to the Comprehensive Plan and Zoning and Subdivision Ordinances. The Zoning Board of Adjustment is quasi-judicial, and their decisions can only be appealed in district court. The Board of Supervisors have legislative and administrative powers in setting policy, adopting ordinances and having final approval authority over subdivision plats, rezoning requests, and policy changes. Planning staff is advisory and administrative, while also making recommendations on land use requests.

Huey explained that staff has initiated a review of the Zoning Ordinance because it is over 30 years old and needs better organization and clarity. This is also the opportunity to get rid of obsolete sections and better address how the Ordinance reinforces the goals, objectives, and policies of the Comprehensive Plan. Thus far the Planning Commission and staff have held work sessions on the first meeting of each month, after any regular agenda items. All meetings are public, and comments are taken at the Planning Chairman's discretion. Any recommended changes will be forwarded to the Board and appropriate public hearings held before any changes are made official. **Huey** stated that he would also like to reach out to affected entities during the review of the ordinance to gather their input.

Board Chairman Minard asked what he meant by "affected entities?" **Huey** responded that he means stakeholders or focus groups. This could include ordinary citizens, the Quad City Homebuilders Association, the Farm Bureau, Park View Homeowners Association, etc. **Huey** hoped that this joint meeting would give some guidance as to who staff and the Planning Commission should be reaching out to during this process.

Huey discussed some of the specific portions of the Zoning Ordinance that will be reviewed and potentially changed. The whole Ordinance will be reviewed, but only certain sections will be changed. Specifically, staff and the Commission hope to address accessory uses, second dwelling units, horse stables, mobile home and travel trailer park regulations, among others. Coming up will be a review of all permitted uses by zoning district. The Commission will discuss if anything needs added, removed, or reworded in these sections. He stated that Park View's commercial district explicitly lists every type of potential use, but that could be streamlined by combing them into categories such as retail sales; this is traditionally how zoning regulations are set up. **Huey** stated that staff is attempting to set up a meeting with the Farm Bureau for November 4th to present to them how the Ordinance addresses agricultural land, and to gather their input on the review and update process.

Chairman Lloyd asked Zoning Board of Adjustment Members for their comments. He asked if there are any specific cases or issues that need addressed, and asked if they see any repetitive requests.

Huey briefly mentioned that previously exceptions to the County's regulations for home industries and home businesses were granted through a variance request. Variance approval requires a determination of hardship by the Board of Adjustment, but the County amended the Ordinance to change the standard from a variance to a special use permit where such exceptions are now judged on their neighborhood impacts. This is a positive step for economic development allowing for the establishment of more startup business in the County.

Ed Winborn mentioned that many cases involve corner lots and accessory buildings in front yards.

Chris Gallin asked about state law language regarding hardship. **Huey** stated that it simply lists hardship as the standard, and that case law has largely dictated that definition, which is tied to financial or economic hardship.

Supervisor Cusack stated that care should be taken during this review and update process to avoid getting rid of explicit language in all parts of the Ordinance. He mentioned **Huey's** earlier comment about Park View's commercial district and its many listed uses. That was setup for the purposes of not allowing certain types of unwanted uses. **Huey** replied that a jurisdiction has to be careful not to zone out a particular use. He stated that is why nearly every ordinance addresses sexually oriented businesses in detail, because while they can be subject to strict regulations, they still have to be allowed.

Minard read statistics about growth. 88% of population growth in Iowa is occurring in 7 counties. 28 counties have grown recently in Iowa, but 6 of those 28 grew less than 1%, all other counties besides these 28 are shrinking in population. Dallas County near Des Moines grew 62%; Linn County has grown 10%, Johnson County 18%, Story County 12%, Clinton 2%, Muscatine 2.5%, Dubuque 5%. He stated that his home County of Clayton reached its peak population in 1920 and has been losing population ever since. **Commissioner Knobbe** mentioned that Iowa is the only U.S. state to have lost population between 1900 and 2000.

Chairman Lloyd addressed **Supervisor Cusack's** previous comment about being careful of broad and vague language throughout the Ordinance. **Lloyd** said that broad language is appropriate in most contexts, and allows for control of uses without having to list every possible use. However, the Commission should look closely at the rationale for Park View's listed uses, and address those issues during their review.

Huey showed aerial and site photos of various properties and past Board of Adjustment cases. He reviewed the County's current regulations and potential future changes regarding accessory buildings, corner lots, double frontage and triple frontage lots, and front yard setbacks for accessory buildings. Among the proposed changes would be a provision allowing accessory buildings in a front yard so long as the same front yard setback distance for the principal building was met by the accessory building. Currently the Ordinance allows accessory buildings in a front yard only if they are setback at least 100 feet. This proposed change would allow them at a 50 foot front yard setback in most cases.

Gallin asked about the reasoning for the current Ordinance language regarding accessory building placement. **Huey** responded that the rationale for setbacks generally is to prevent the spread of fire between structures and property, and to allow for adequate light and air. However, he mentioned that on large rural lots the rationale is largely aesthetics. In residential subdivisions there is a significant positive impact from regulating accessory building locations, and in keeping them from dominating the

visual presence of a lot or subdivision. **Huey** explained that any attached garage would not be subject to the 100 foot setback requirement because it is considered part of the principal structure, but any detached structure is treated differently. He expressed there is no good reason for differentiating between attached versus detached in many instances if both are setback at least 50 feet.

Rivers stated that she had no objection to allowing accessory buildings in a front yard so long as they met a 50 foot setback, and that the distance actually seemed unusually large. **Huey** clarified that due to the need for private water and wastewater systems in the rural areas, lot sizes and therefore building setbacks are larger than they are in cities or dense areas. The County's minimum lot size for most areas is 30,000 ft² to allow for well and septic systems.

Knobbe, Gallin and Lloyd all commented that the site photos Huey presented all showed aesthetically pleasing buildings and building materials. They expressed concerns that amending the Ordinance would allow for unaesthetically pleasing construction on many lots where it would currently not be allowed with the 100 foot setback requirement. **Huey** responded that market forces and private homeowner's association covenants largely prevent large pole buildings and other storage shed type of construction within front yards. The County does not have form of architectural regulations for any buildings.

Supervisor Jim Hancock complemented Tim Huey on his ability to come up with reasonable determinations and fairly apply regulations. He stated that Tim has always worked to apply regulations in a way that makes sense and work towards a common sense solution. He stated that all public officials should do the same when applying regulations.

Huey concluded his presentation by stressing that zoning is a balancing act between ensuring private property rights and protecting the public interest. He explained that when government limits private property rights through regulations it should ensure that the reason for doing so is a compelling public interest.

Minard asked about the next steps in the process. **Huey** replied that the Planning Commission and staff will continue to review the Ordinance, section by section and in manageable pieces. Any changes will require consent by the majority of Planning Commissioners. The idea is to gather a consensus on any changes at each work session, then at the end forward all recommendations to the Board of Supervisors. Public input will be gathered from citizens and focus groups and a public hearing held prior to any changes becoming official.

Chairman Lloyd adjourned the meeting at 8:40 P.M.