



**SCOTT COUNTY
PLANNING AND ZONING COMMISSION
Tuesday, February 3, 2015
7:00 P.M.**

MEETING MINUTES
Scott County Farm Bureau Offices
1721 East LeClaire Road
Eldridge, IA 52748

- MEMBERS PRESENT:** Clayton Lloyd, Gary Mehrens, Carolyn Scheibe, Allan Kluever, Linda Rivers, Tony Knobbe, Lynn Gibson
- MEMBERS ABSENT:** None
- STAFF PRESENT:** Timothy Huey, Planning & Development Director
Brian McDonough, Planning & Development Specialist
- OTHERS PRESENT:** Approximately 60 members of the public, mainly Farm Bureau members and Board members

- 1. Call to Order:** Chairman Lloyd called the meeting to order at 7:00 P.M. Commissioner Knobbe was not yet present, and Lloyd stated that due to another engagement Knobbe would be late, but did plan on attending. The Commissioners briefly introduced themselves. Lloyd stated that the purpose of the meeting was to receive comments from the Farm Bureau regarding the proposed changes to the Zoning Ordinance developed so far. He stressed that the Commission wants to hear from Farm Bureau members on these proposed changes and better understand how they may affect farmers. Lloyd stated that meeting minutes listed on the agenda would be considered at the Commission's next regular meeting. He introduced Planning Director Tim Huey, who would review the work on the Zoning Ordinance to-date.

Planning Director Tim Huey presented the process for the review and re-write of the Ordinance and the proposed draft changes to-date. He stressed that all of the changes so far are proposed. Once any changes are finalized by the Commission, there will be public hearings before the recommendations are forwarded to the Board of Supervisors for approval. At such a time the Board will also hold a public hearing before voting on any changes. It is the elected Board of Supervisors, not the Planning Commission that ultimately has the authority to make these proposed changes. **Huey** explained that following his presentation, the remaining time is intended for comments. He stressed that citizen involvement is the central component in this planning process, and that public comments are always welcome, and have been taken at Planning Commission meetings throughout this process.

Huey reviewed Scott County's Comprehensive Plan and Land Use Policies. He explained the 2008 adoption of the County's current Comprehensive Plan. The original Development Plan was adopted in 1980, and the fundamental vision and goal of farmland preservation was reiterated in the 2008 Plan re-write. He explained the connection between comprehensive planning, the future land use map, and the zoning and subdivision ordinances. He showed graphics of the zoning map as well as the future land use map. He explained the 1,000 plus acres of land that the County downzoned from A-G to A-P after the adoption of the future land use map. **Huey** reviewed the general intent section of each zoning district, as proposed to be amended by the Planning Commission. The largest proposed change is to allow for an Industrial Overlay zone in A-G or A-P zoning districts. However, for such an overlay district to be established, a rezoning proposal for a specific industrial development must be approved. **Huey** explained that the proposed "I" Overlay District was being developed to require site specific details to be submitted and reviewed prior to the consideration of any rezoning request. He stated that this Overlay District would replace the County's current "M" Heavy Manufacturing District. He stressed this would not make an industrial development more likely to be approved, but rather would provide a method by which such proposals can be adequately considered. The current "M" District requires not only rezoning approval but also a special use permit be granted by the Board of Adjustment. The Overlay District proposes removing the special use permit review, but the site characteristics that would be reviewed by the Board of Adjustment would be taken into consideration by the Planning Commission at the time of any rezoning.

Huey stated that if an industrial development wanted to locate in Scott County there is currently not an adequate mechanism to approve it. He stated that if people feel that there is no such industrial development that should ever locate in rural Scott County then they should voice that opinion, but if others think there is at least some industrial land use that would benefit the County, they should please also voice that opinion and help the Planning Commission draft Ordinance language to consider the impacts of such a development. **Huey** stressed that the County has no control over who submits a development proposal, but rather has the ability to review it and recommend approval or denial based on the County's established policies. No one knows what the next industrial proposal might be or when it would come about. However, proposals like Orascom in 2012 are rare and only come about every decade or even less often. The County's Industrial zoning is meant to accommodate large-scale developments. Small scale retail and commercial uses are accommodated in existing C-1 and C-2 zoning. A use that would fit within the Industrial District could be anything from electronic manufacturing to a server farm to a fertilizer refinery, and anything in between. However, it is not intended to accommodate small-scale commercial developments such as a used car lot or anything else of a commercial or even light industrial nature.

Huey explained the next steps in the process. The Commission would continue to work through the Ordinance, section by section, and review and recommend changes. Once that process is complete, public hearings will be held prior to forwarding the changes to the Board of Supervisors. The Board would then hold a public hearing prior to voting on the proposed changes. There is no set timeline for this process, but the Commission and staff want to be efficient.

Chairman Lloyd opened the floor to public comments.

Robb Ewoldt expressed concerns that the proposed new Industrial District would weaken A-P zoned land, by making it easier to rezone for development. He emphasized the productivity of Scott County farmland compared to the State, region and world. He stated that once it is paved over there is no getting it back. He also asked about accessory farm uses.

Huey responded that accessory farm uses are almost always considered Ag exempt. So long as the use is truly accessory to a principal farm use it would be exempt. If the accessory use really is a commercial use however, it may not be considered Ag exempt. That is the challenge of the administering the Ag exemption; determining at what point a commercial business is more commercial than agricultural. Ag-related trucking businesses are a good example. Many are accessory farm uses, while others are commercial trucking operations that also happen to haul Ag products. In general, unless there are complaints, not all of these uses are known or they are assumed to be exempt. The benefit of the doubt in most cases falls in favor of the exemption.

Joe Gollinghorst (Walcott) Asked about the process for approving a potential rezoning to the "I" Overlay District. **Huey** responded that it is similar to the County's current Ag Floating Zone. The applicant would be required to submit all of the site specific criteria at the time of the rezoning, including a detailed site plan. The regulations and requirements for the Overlay District are still being considered by the Planning Commission.

Brian Enlers asked if there are any limits to the "I" Overlay District. **Huey** responded that specific regulations would be built into the District, and would have to be met in order for a rezoning request to be approved. These regulations are still being developed.

Diane Holst asked about permitted uses within the Overlay District. She wanted to know if the final list of permitted uses was completed. **Chairman Lloyd** responded that the list of uses is still a work in progress. The Commission used the existing "M" Heavy Manufacturing District uses as a starting point for developing the "I" District uses. **Huey** added that some of the "M" District uses will be incorporated into the "I" District, while others that are obsolete or inappropriate may be removed.

Rivers asked staff for clarification on whether or not a minimum amount of capital investment would be required for industrial projects to be approved. **Huey** responded such requirements are not currently in the Ordinance or any draft changes. The requirements could be put in an amendment to the Comprehensive Plan. **Lloyd** expressed reservations about including specific figures for investment or job creation, as they would prevent projects that were just under the threshold, and such figures could become obsolete in just a few years' time.

Barb Harre asked if the State had any involvement in siting industrial land uses. She referenced the Orascom proposal, and stated it was unfortunate how that proposal pitted different counties against one another. **Huey** responded that the Farm Bureau should lobby their State legislatures regarding the State's involvement. He said that private companies and developers try to get the best deal they can. There may not be a way to limit private companies from using several different jurisdictions to find the best location and price.

Harold Kempf commented on water usage. He was concerned that any industrial land use would impact the water table of the area. He asked that mechanisms be put in place to protect the water table and compensate land owners.

Blane Bolte (rural Blue Grass) stated that he was against the Orascom proposal. He commented that some leaders have stated it was a missed opportunity; he believes the County "dodged a bullet." He believes the Orascom site was hazardous and would have taken farmland out of production. He stated that farmland is a precious natural resource to be protected.

Mike Garner asked about the IPESCO steel plant in Muscatine County. He asked if the Commission has studied how Muscatine County handled that industrial development. **Huey** responded that they have not spoken to Muscatine County, but commented that is a good suggestion and something staff will pursue.

Chris Granehagen referenced a handout at the meeting questioning the proposed removal of certain ag-related uses from the Ordinance. Specifically, she asked why seed and feed dealerships were being removed from the A-G District. **Huey** responded that the majority of small-scale seed and feed dealerships would be considered an accessory Ag use and therefore exempt from County zoning. Larger operations could either be approved as a home industry in Ag zoned areas or accommodated through the County's commercial or Ag commercial zoning.

Dale Grunwald asked how much land the County was considering to rezone to the new Overlay District. **Huey** responded with none. He explained that the County reviews land use proposals, but has no say in when private property owners develop their land. The free market decides when and where property will be developed. The County is proposing to establish these regulations in order to have an adequate method to review industrial development proposals.

Mary Hemphill asked how the public is notified of any requests to rezone land. **Huey** responded that once an application is submitted, neighbors within 500 feet are sent notice prior to both the Planning Commission and Board of Supervisors public hearing. A sign is also posted at the property. The Planning and Development Office accepts written and emailed comments.

Mike Holst asked how non-conforming uses would be treated in light of the proposed changes. **Huey** responded that any conforming use that becomes non-conforming due to a change in the Ordinance would be grandfathered. However, grandfathered uses cannot be expanded upon or rebuilt if destroyed or substantially damaged.

With no further public comments and no other business to discuss, Chairman Lloyd entertained a motion for adjournment. Scheibe motioned, seconded by Mehrens, to adjourn. All Ayes. Meeting adjourned at 8:45 P.M.