

PLANNING & DEVELOPMENT

600 West Fourth Street
Davenport, Iowa 52801-1106
Email: planning@scottcountyiowa.com
Office: (563) 326-8643

Fax: (563) 326-8257



Timothy Huey
Director

**SCOTT COUNTY
PLANNING AND ZONING COMMISSION
AGENDA**

Tuesday, September 15, 2020
1st Floor Board Room Administrative Center
5:00 P.M.

PARTICIPATION OPTIONS:

Connect Via Phone:

1-408-418-9388 Meeting number: **146 690 1771** Password: **23456**

Connect via Computer, or Webex application:

Host: www.webex.com Meeting number: **146 690 1771** Password: **23456**

Link to meeting (click): [Scott County Planning & Zoning Commission Meeting 09-15-2020](#)

Full link (copy & paste):

<https://scottcountyiowa.webex.com/scottcountyiowa/j.php?MTID=m53a1486217b6a49acc7c6bff27d1dcfe>

PUBLIC NOTICE is hereby given that the Scott County Planning & Zoning Commission meeting will be held by electronic telephone conference with the call originating from the Scott County Administrative Center with **MINIMAL** public access in an effort to mitigate the spread of **COVID-19**. The public will be allowed into the Scott County Administrative Center Board Room at 4:45P.M., however due to the Iowa Governor limiting gathering size limits to 16 persons, we recommend calling in. Please place your phone on **mute** until you are called upon from the Chair. The electronic meeting is allowed is allowed by Scott County Planning and Zoning Commission's Administrative Rules and by Iowa Code Section 21.8(1)(b) as it is necessary to provide direction from the Commission for several time-sensitive issues listed on the agenda.

- 1. Call to Order**
- 2. Minutes:** Approval of the September 1, 2020 meeting minutes.
- 3. Public Hearing: Rezoning – Agricultural-Preservation District (A-P) to Industrial District (I):** Application from owner **Brian Dockery DBA RiverStone Group, Incorporated** to rezone 58.5 acres from A-P to I. The location of the parcel requested to be rezoned is bounded by on the west side by the Curtis Matthew Van Den Burghe property (2240 New Liberty Road), to the north by Van Den Berghe Survivors Trust/Beverly Meyer, to the south by New Liberty Road (Highway 130), and to the east by the applicant. The parcels requested to be rezoned are legally described as part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and the west

half of the NW¹/₄NE¹/₄ of Section 33 in New Liberty Township ([Parcel# 013305003](#) ; [Parcel# 013303002](#)). RiverStone Group currently operates a mining operation on 53.8 acres Industrial (I) zoned land to the east of the property requested to be rezoned.

The applicant states the rezoning will allow RiverStone Group's proposed New Liberty Project to proceed which would allow secondary processing on the subject property. Currently, the subject property allows limestone extraction and primary processing. The quarry will provide the Scott County Region with an essential natural resource – crushed stone. Stone from the proposed project site will be used to build, maintain, and replace interstate highways, primary and secondary roads, homes, churches, hospitals, parks, schools, police and fire stations, and other public and private facilities.

4. **Other business:** Additional comments or issues to discuss (Commission members) / Opportunity for public comments

5. **Adjournment.**

Public Hearing/Meeting Procedure

- a. Chairman reads public notice of hearing.
- b. Director reviews background of request.
- c. Applicant /Representative provide any additional comments on request.
- d. Public may make comments or ask questions.
- e. Director makes staff recommendation.
- f. Applicant may respond or comment.
- g. Commission members may ask questions.
- h. Chairman closes the public portion of the hearing (No more public comments).
- i. Discussion period for the Commission members.
- j. Commission members make motion to approval, deny, or modify request.
- k. Final vote. Recommendation goes to Board of Supervisors.

PLANNING & DEVELOPMENT

600 West Fourth Street

Davenport, Iowa 52801-1106

Email: planning@scottcountyiowa.com

Office: (563) 326-8643

Fax: (563) 326-8257



Timothy Huey
Director

**NOTICE OF SCOTT COUNTY
PLANNING AND ZONING COMMISSION PUBLIC HEARING FOR AN
APPLICATION TO REZONE FROM “A-P” TO “I”**

Tuesday, September 15, 2020
1st Floor Board Room Administrative Center
5:00 P.M.

PARTICIPATION OPTIONS:

Connect Via Phone:

1-408-418-9388 Meeting number: **146 690 1771** Password: **23456**

Connect via Computer, or Webex application:

Host: www.webex.com Meeting number: **146 690 1771** Password: **23456**

Full link (copy & paste):

<https://scottcountyiowa.webex.com/scottcountyiowa/j.php?MTID=m53a1486217b6a49acc7c6bff27d1dcfe>

PUBLIC NOTICE is hereby given that the Scott County Planning & Zoning Commission meeting will be held by electronic telephone conference with the call originating from the Scott County Administrative Center with **MINIMAL** public access in an effort to mitigate the spread of **COVID-19**. The public will be allowed into the Scott County Administrative Center Board Room at 4:45P.M., however due to the Iowa Governor limiting gathering size limits to 16 persons, we recommend calling in. Please place your phone on **mute** until you are called upon from the Chair. The electronic meeting is allowed is allowed by Scott County Planning and Zoning Commission’s Administrative Rules and by Iowa Code Section 21.8(1)(b) as it is necessary to provide direction from the Commission for several time-sensitive issues listed on the agenda.

Public Hearing: Rezoning – Agricultural-Preservation District (A-P) to Industrial District (I):

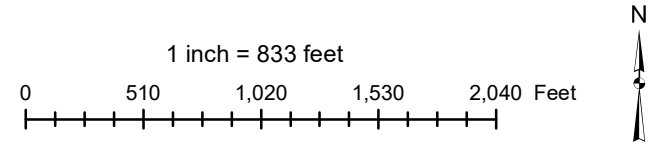
Application from owner **Brian Dockery DBA RiverStone Group, Incorporated** to rezone 58.5 acres from A-P to I. The location of the parcel requested to be rezoned is bounded by on the west side by the Curtis Matthew Van Den Burghe property (2240 New Liberty Road), to the north by Van Den Berghe Survivors Trust/Beverly Meyer, to the south by New Liberty Road (Highway 130), and to the east by the applicant. The parcels requested to be rezoned are legally described as part of the NE¹/₄NW¹/₄ and the west half of the NW¹/₄NE¹/₄ of Section 33 in New Liberty Township ([Parcel# 013305003](#) ; [Parcel# 013303002](#)). RiverStone Group, Inc. currently operates a mining operation on 53.8 acres of Industrial (I) zoned land to the east of the property requested to be rezoned.


The applicant states the rezoning will allow RiverStone Group, Inc. to proceed with the proposed New Liberty Project which would allow secondary processing on the subject property. Currently, the subject property allows limestone extraction and primary processing. The quarry will provide the Scott County Region with an essential natural resource – crushed stone. Stone from the proposed project site will be used to build, maintain, and replace interstate highways, primary and secondary roads, homes, churches, hospitals, parks, schools, police and fire stations, and other public and private facilities.




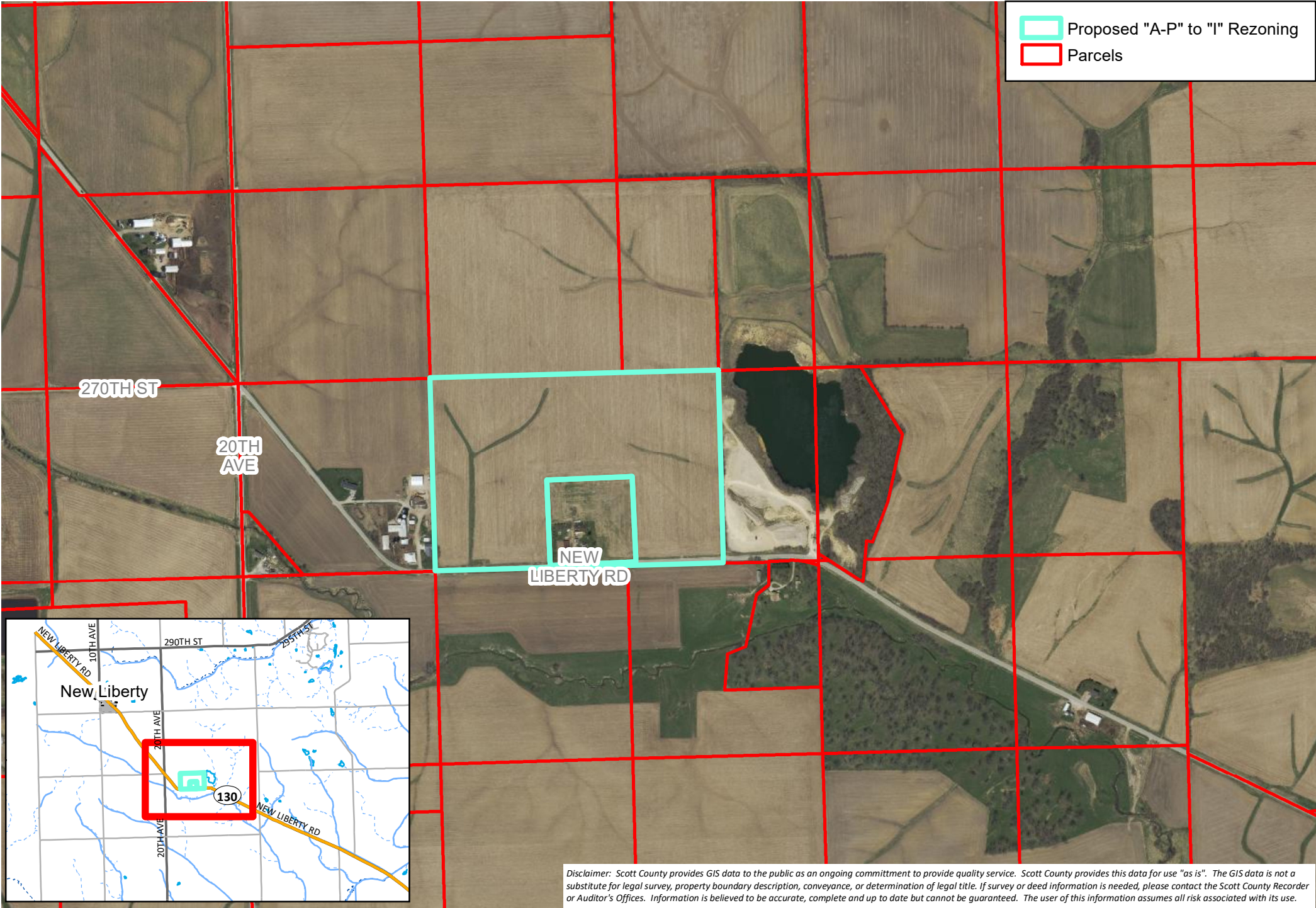
Aerial Photo 2 - RiverStone Group, Inc. "A-P" to "I" Rezoning

Scott County, Iowa



 Proposed "A-P" to "I" Rezoning

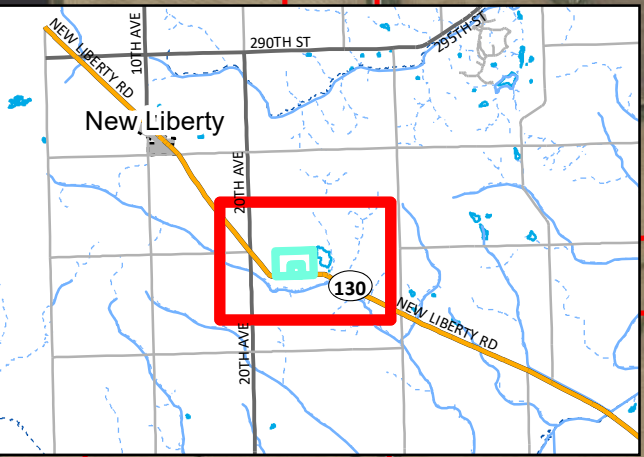
 Parcels



270TH ST

20TH AVE

NEW LIBERTY RD

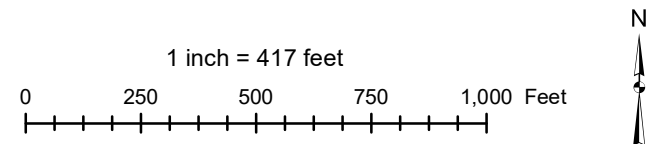




Disclaimer: Scott County provides GIS data to the public as an ongoing commitment to provide quality service. Scott County provides this data for use "as is". The GIS data is not a substitute for legal survey, property boundary description, conveyance, or determination of legal title. If survey or deed information is needed, please contact the Scott County Recorder or Auditor's Offices. Information is believed to be accurate, complete and up to date but cannot be guaranteed. The user of this information assumes all risk associated with its use.

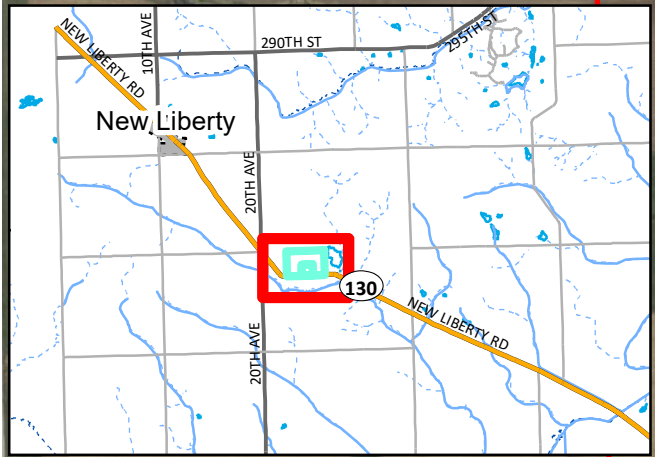
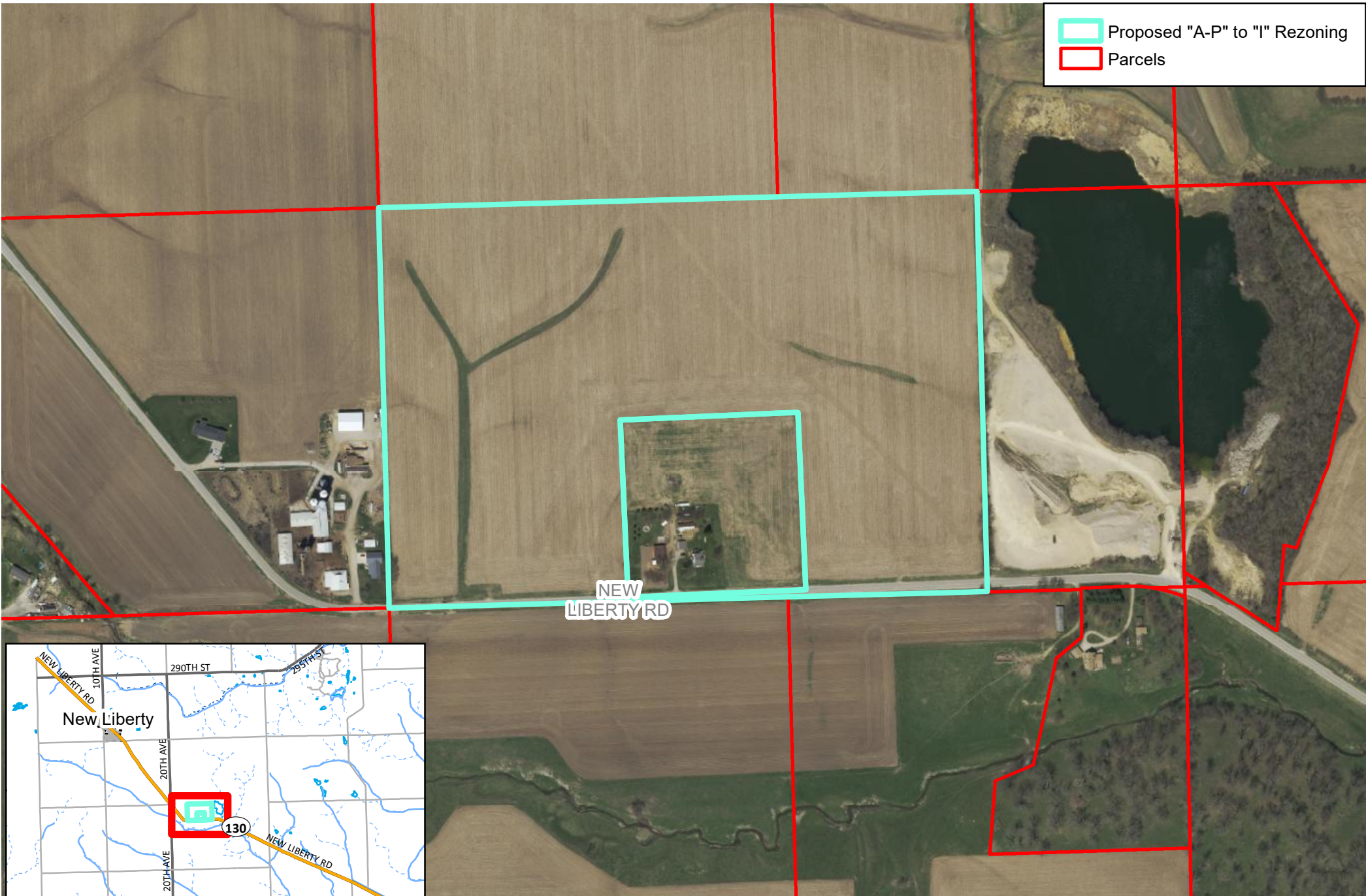


Aerial Photo 3 - RiverStone Group, Inc. "A-P" to "I" Rezoning

Scott County, Iowa



 Proposed "A-P" to "I" Rezoning
 Parcels

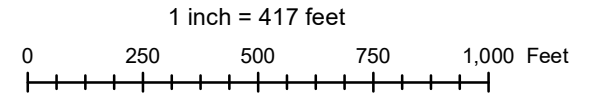


Disclaimer: Scott County provides GIS data to the public as an ongoing commitment to provide quality service. Scott County provides this data for use "as is". The GIS data is not a substitute for legal survey, property boundary description, conveyance, or determination of legal title. If survey or deed information is needed, please contact the Scott County Recorder or Auditor's Offices. Information is believed to be accurate, complete and up to date but cannot be guaranteed. The user of this information assumes all risk associated with its use.



CSR - RiverStone Group, Inc. "A-P" to "I" Rezoning

Scott County, Iowa

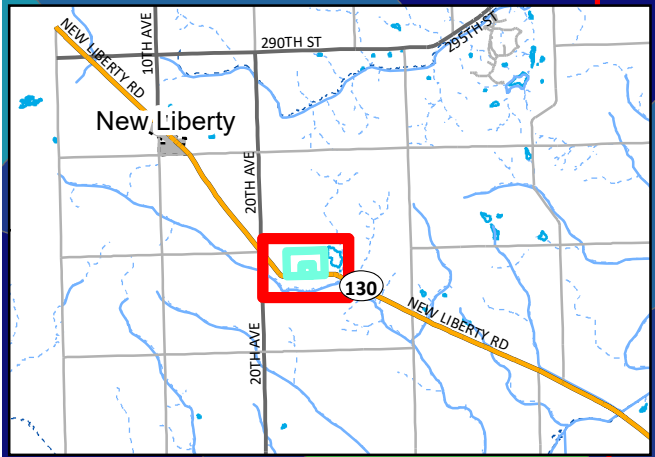
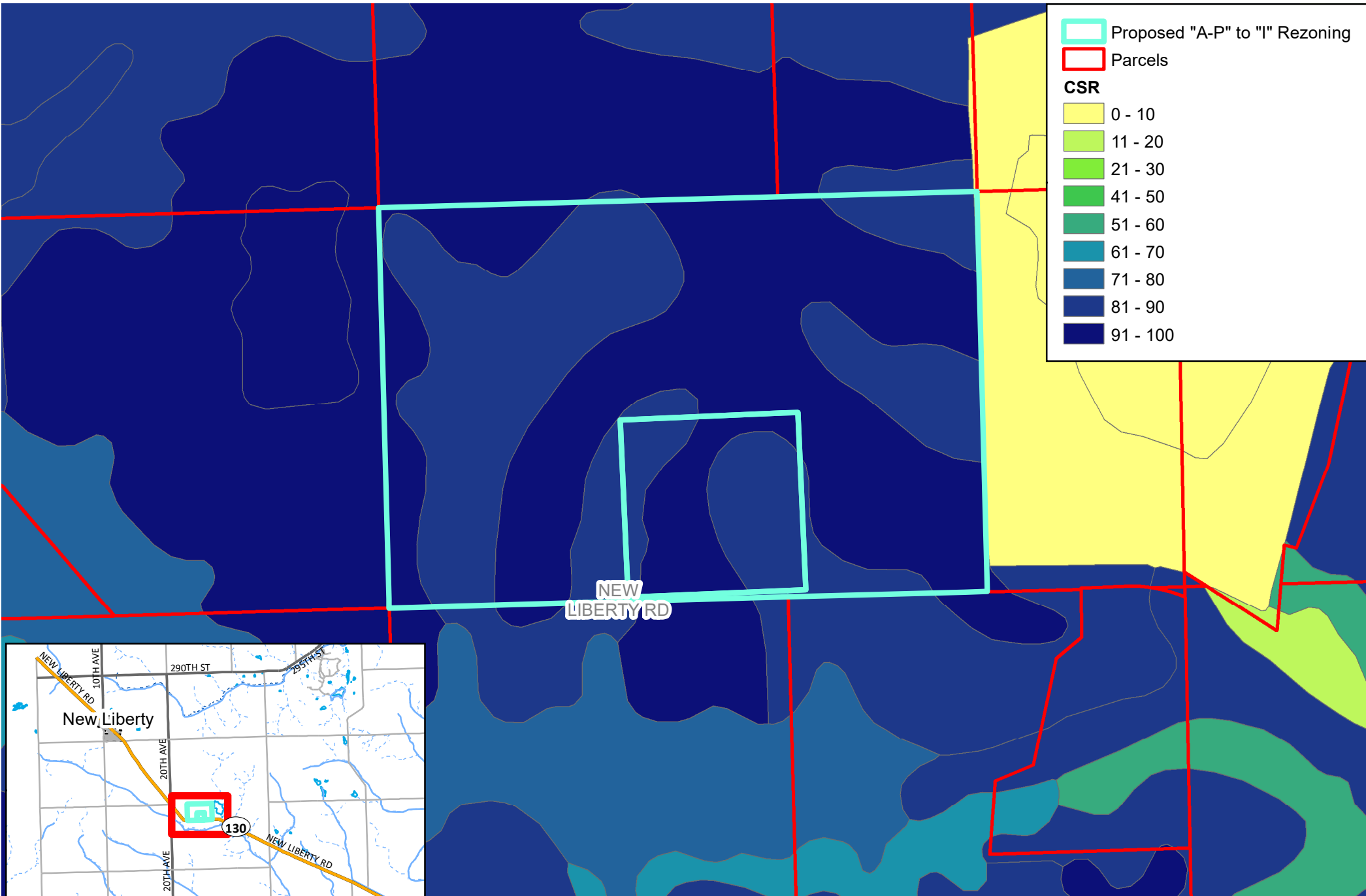


Proposed "A-P" to "I" Rezoning

Parcels

CSR

- 0 - 10
- 11 - 20
- 21 - 30
- 41 - 50
- 51 - 60
- 61 - 70
- 71 - 80
- 81 - 90
- 91 - 100



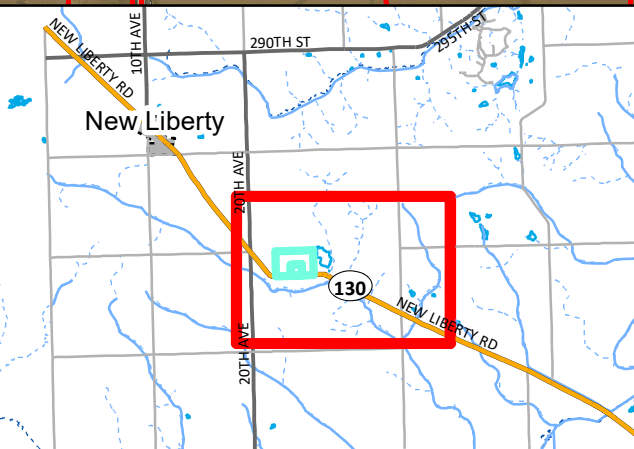
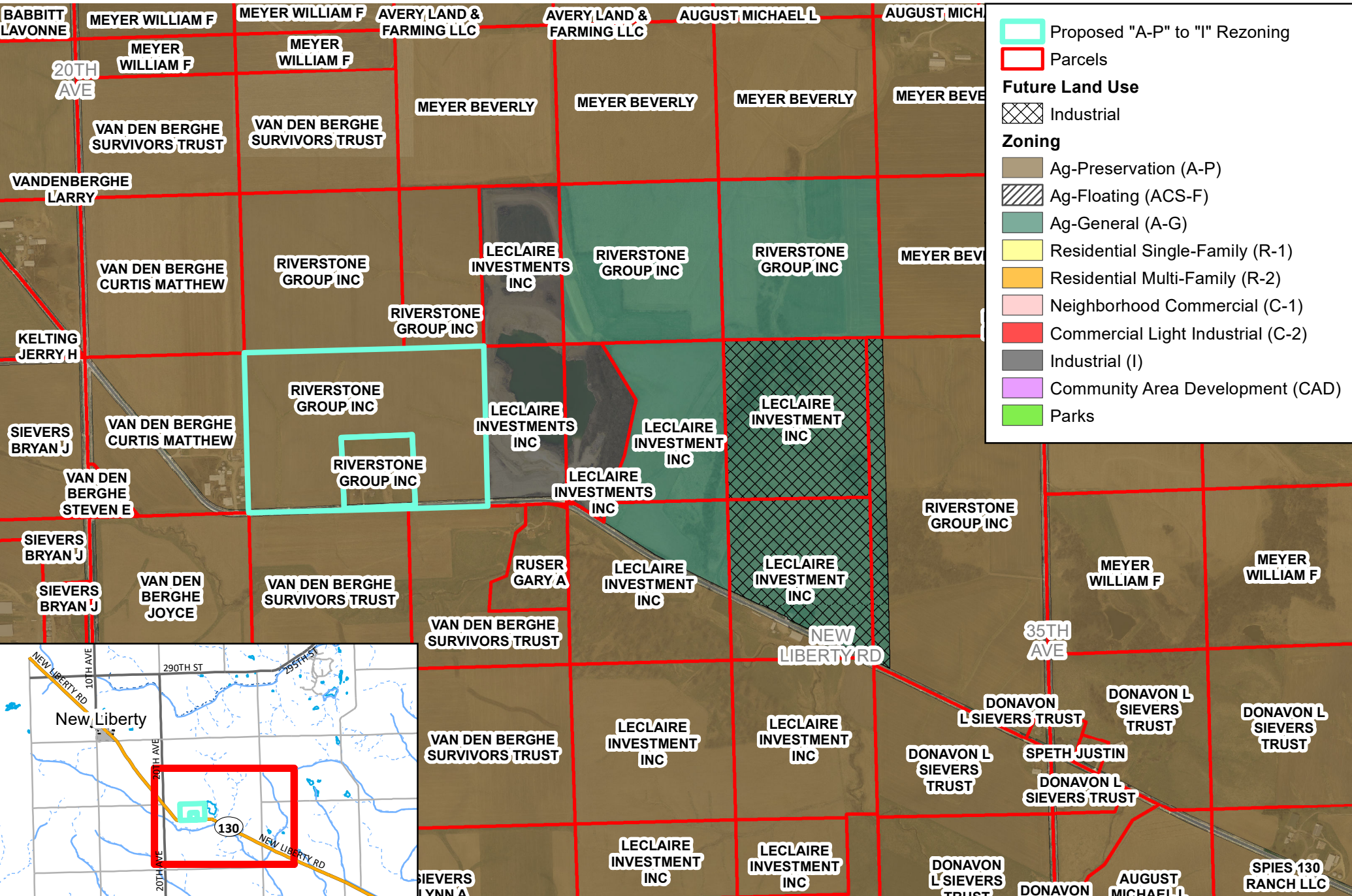
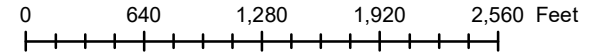
Disclaimer: Scott County provides GIS data to the public as an ongoing commitment to provide quality service. Scott County provides this data for use "as is". The GIS data is not a substitute for legal survey, property boundary description, conveyance, or determination of legal title. If survey or deed information is needed, please contact the Scott County Recorder or Auditor's Offices. Information is believed to be accurate, complete and up to date but cannot be guaranteed. The user of this information assumes all risk associated with its use.



Current Zoning - RiverStone Group, Inc. "A-P" to "I" Rezoning

Scott County, Iowa

1 inch = 1,042 feet

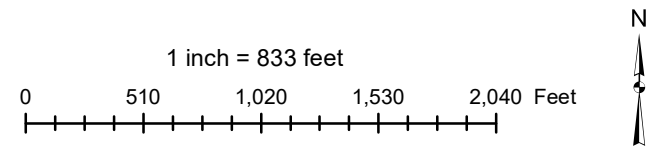


Disclaimer: Scott County provides GIS data to the public as an ongoing commitment to provide quality service. Scott County provides this data for use "as is". The GIS data is not a substitute for legal survey, property boundary description, conveyance, or determination of legal title. If survey or deed information is needed, please contact the Scott County Recorder or Auditor's Offices. Information is believed to be accurate, complete and up to date but cannot be guaranteed. The user of this information assumes all risk associated with its use.

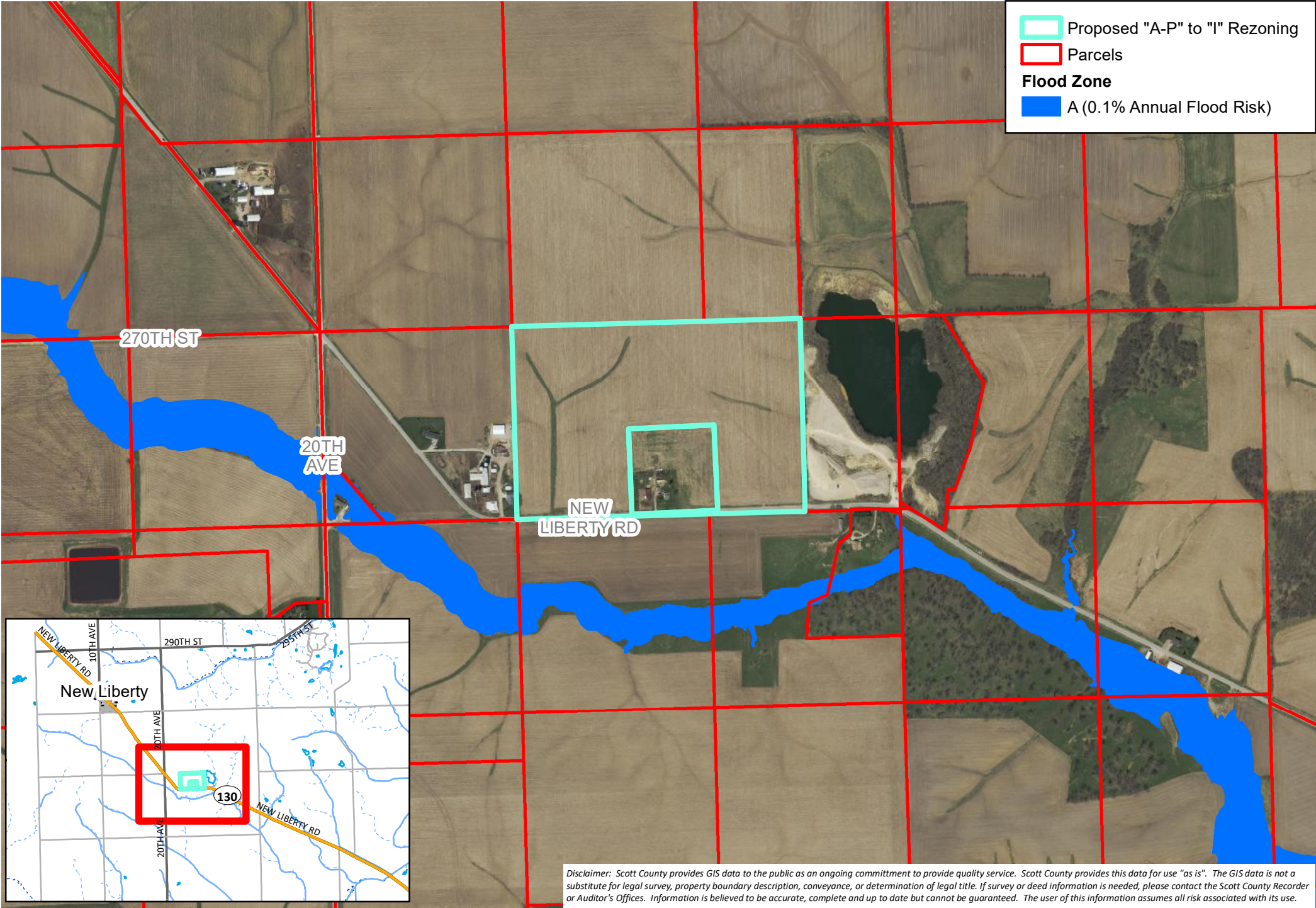


Floodplain - RiverStone Group, Inc. "A-P" to "I" Rezoning

Scott County, Iowa



- Proposed "A-P" to "I" Rezoning
- Parcels
- Flood Zone**
- A (0.1% Annual Flood Risk)



Disclaimer: Scott County provides GIS data to the public as an ongoing commitment to provide quality service. Scott County provides this data for use "as is". The GIS data is not a substitute for legal survey, property boundary description, conveyance, or determination of legal title. If survey or deed information is needed, please contact the Scott County Recorder or Auditor's Offices. Information is believed to be accurate, complete and up to date but cannot be guaranteed. The user of this information assumes all risk associated with its use.

Site Photo 1 / 5 : West along New Liberty Road



Site Photo 2 / 5 : East along New Liberty Road



Site Photo 3 / 5 : North View of Rezoning Site



Site Photo 4 / 5 : Demolished House



Site Photo 5 / 5 : South onto North Liberty Rd



PLANNING & DEVELOPMENT

600 West Fourth Street
Davenport, Iowa 52801-1106

Office: (563) 326-8643 Fax: (563) 326-8257

Email: planning@scottcountyiowa.com



Timothy Huey, Director

Rezoning Petition

Date August / 13 / 2020

Dear Scott County Planning and Zoning Commission Members:

RiverStone Group, Inc., owners / purchasers / developers of the below described real estate, petition the Planning and Zoning Commission to consider re-zoning this property from AP with Special Use to I. For the request to the Commission, please find the attached 13 copies of the plat/site plan and the filing fee of \$200.00.

Number of acres to be re-zoned: 58.5

Legal Description (Attach separate sheet if necessary)

See Attached

Statement of Intended Use: The intended new use of the property would include the following:

See Attached

How Will Such Use Comply With the Scott County Plan and Land Use Policies?

Respectfully submitted,

Signature

Name of Applicant (printed)

Mailing Address

City / State / Zip

Phone

Devin B. Dockery S.P.

Signature

RiverStone Group, Inc.

Name of Owner (if different from applicant)

4640 E 56th Street

Mailing Address

Davenport IA 52807

City / State / Zip

309-757-8250

Phone

Received by _____
Zoning Staff

REZONING PETITION

RiverStone Group, Inc.

1. Project Location.

The proposed project site is located in Liberty Township, Scott County, Iowa. The property is bounded on the west side by the Curtis Matthew Van Den Berghe, to the north by the Van Den Berghe Survivors Trust and Beverly Meyer, to the south Highway 130, to the east by property owned by the applicant.

The site is legally described as:

Being part of Section 33, Township 80 North, Range 1 East of the 5th P.M., Scott County, Iowa, more particularly described as follows: The North East Quarter of the North West Quarter of Section 33 and the West half of the North West quarter of the North East Quarter of Section 33 containing 58.5 acres more or less.

2. Project Description

RiverStone Group's proposed New Liberty Project is to allow secondary processing on the subject property, limestone extraction and primary processing is currently allowed on the subject property. The quarry will provide the Scott County Region with an essential natural resource – *crushed stone*. Stone from the proposed project site will be used to build, maintain and replace interstate highways, primary and secondary roads, homes, churches, hospitals, parks, schools, police and fire stations, libraries, and other public and private facilities. These types of facilities require high quality stone in their construction. In fact, the primary users of such materials include Scott County, city, state, and federal governmental agencies.

RiverStone Group has been mining and producing high quality construction aggregates since 1917. The company has several mining operations in Iowa, including a quarry located in Le Claire, Iowa and another in McCausland, Iowa.

The project site is adjacent to the applicant's current mining operation. RiverStone acquired the subject property for the express purpose of mining the high quality dolomite stone located on the property. The applicant has previously been informed that the intent of Scott County is to locate mining operations whenever possible, in rural areas of the county away from urban population centers.

The project is located in an area of Scott County, which is rural agriculture, with road/highway access and other related infrastructure already in place. The site is separated from most residential uses in the area. Because of the existing transportation

access, the site is ideally located to serve the crushed stone requirements of the public and private sectors of Scott County and Eastern Iowa.

The land for which the Rezoning Request is being sought is currently zoned "A-P" Agricultural- Preservation District with a Special Use Permit for extraction and primary processing. The A-P District designation of the Scott County Zoning for Unincorporated Areas allows for: *"Extraction, primary material processing and removal of coal, gravel, sand, clay, topsoil, or ores on more than two (2) acres of land "*. Such mining or extraction shall be in compliance with Chapter 208, Code of Iowa. The proposed project involves limestone extraction and will fully conform to the applicable provisions of Chapter 208 of the 2015 Code of Iowa. The requested use is clearly allowed in the A-P District.

Finally, the site and adjoining land to the east hold proven resources of limestone rock, the development of which is valuable to the whole county as recognized by the Scott County Development Plan. The proposed location for limestone extraction thus furthers key Scott County Goals and objectives. RiverStone Group is submitting this Rezoning Petition application at this time to ensure that an adequate supply of high quality, reasonably priced construction grade aggregate will be available to the citizens of Scott County far into the future.

3. Project Development

RiverStone Group will engage in limestone extraction and processing in a manner similar to its mining operation on adjoining property. All operations will comply with applicable laws and requirements. In addition to obtaining of the Rezoning Permit requested by this application, the development of the project requires further permitting and preparatory activities in connection with the extraction of the limestone resource, including the following activities:

- Obtaining necessary air quality, water quality and other environmental permits.
- Conducting exploratory coring and sampling of the resource.
- Obtaining certification of material by various state agencies.
- Completing exploratory excavation to determine topography of bedrock.
- Stockpiling topsoil for future use on slopes of erosion berms.
- Removing unsuitable soil ("overburden") for later use in the construction of soil erosion control berms.
- Constructing soil erosion control berms.

The timing of the outlined activities is dependent upon a number of external factors, many of which may or may not be under the direct control of the applicant. Sequential extraction will provide for continued agricultural operations on land not being utilized for mining purposes.

4. Permitting Agencies and Requirements

In addition to granting the Special Use permit, prior to the commencement of

operations, a number of agencies will be involved in evaluating the project. Legal requirements for the conduct of a mining operation are set forth in Chapter 208 of the 2015 Code of Iowa. Chapter 208 requires the applicant to submit to a review and approval process regarding mining licensure, site registration, reclamation of land, bonding, and inspections.

The Iowa Department of Natural Resources (the "IDNR") serves as the lead agency dealing with issues involving air quality, water use, wastewater discharge, and stormwater discharge. The IDNR, in turn, coordinates their efforts with the various applicable federal agencies overseeing these activities.

5. Air Quality Issues

Prior to the approval and issuance of operating permits, the Air Quality Bureau of the IDNR will review the proposed project for compliance with Iowa air quality standards. The project will comply with the appropriate standards as set forth in the Iowa Administrative Code dealing with Environmental Protection (567), Title II, Air Quality, Chapters 20, 21, 22, 23, 24, 25, 26, 28 and 29.

A fugitive dust plan will be submitted if required and will require approval by the IDNR prior to issuance of air quality permits to construct and operate by the agency.

6. Water Issues

The proposed project will also comply with the applicable rules and regulations as set forth in the Iowa Administrative Code Rules 567, Environmental Protection, Chapters 50, 51, 52, 60, 61, 62, 63 and 64. The IDNR will serve as the lead agency on matters relating to water use, wastewater discharge and stormwater discharge. IDNR will coordinate their efforts with the United States Environmental Protection Agency to ensure that the project meets the requirements set forth by the Federal Clean Water Act.

7. Soil Erosion Control Issues

Soil erosion will be controlled on the project site by construction of earthen berms. The berms will be constructed using topsoil from the site. Upon the conclusion of mining, the soil contained in the berms will be utilized to reclaim the land and create final landforms. The berms will be constructed with 3' to 1 slopes and will be vegetated. Construction of the berms at 3' to 1 slopes is for maintenance purposes only. The final land forms will be constructed in conformance with applicable IDNR guidelines. Silt fences will be constructed and maintained until the vegetation is established on the face of the slopes.

Registration, licensing, bonding, and reclamation activities will be conducted in accordance with Iowa Department of Agriculture and Land Stewardship requirements as set forth in Iowa Administrative Code Title 27, Chapter 60.

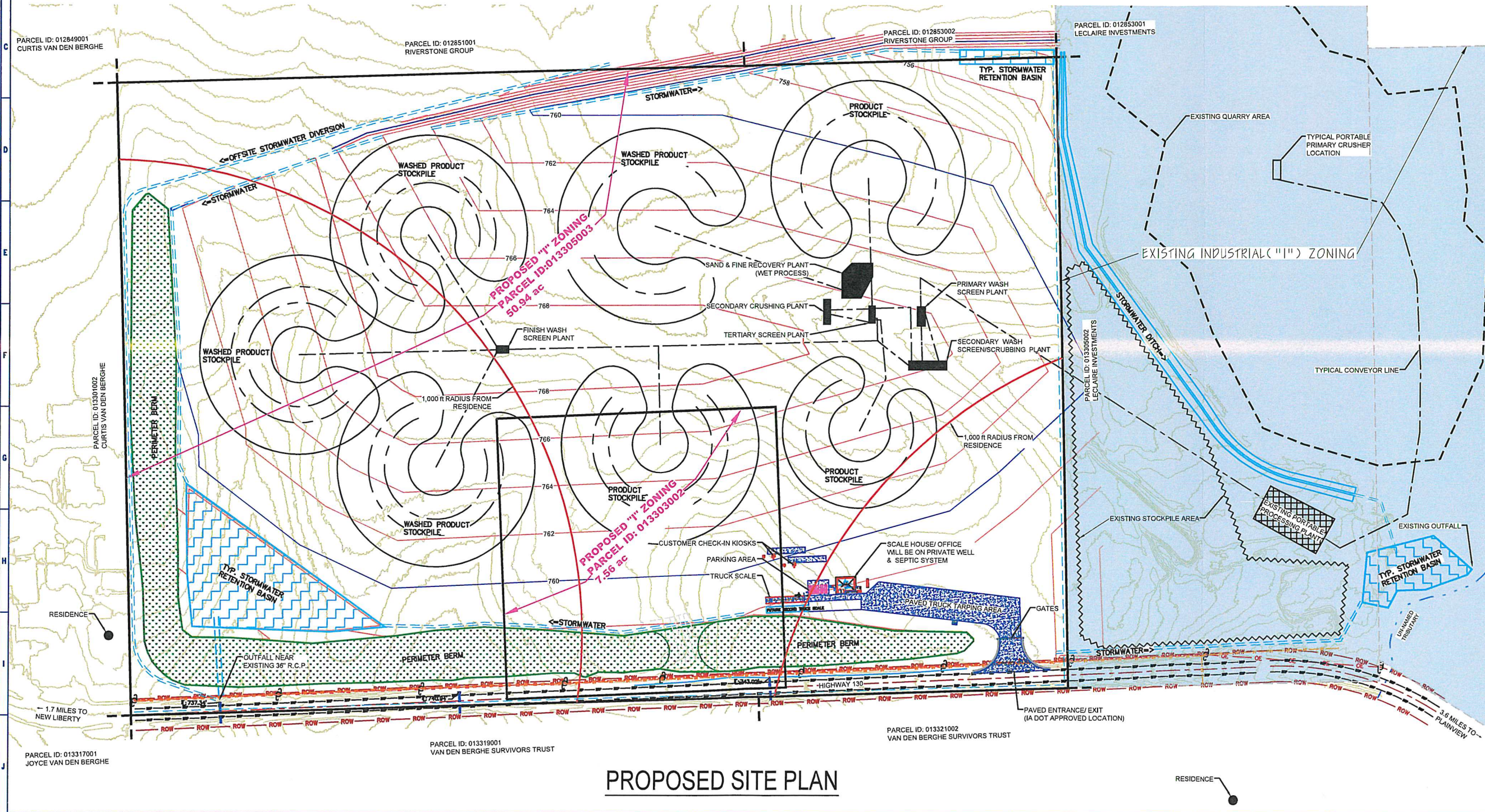
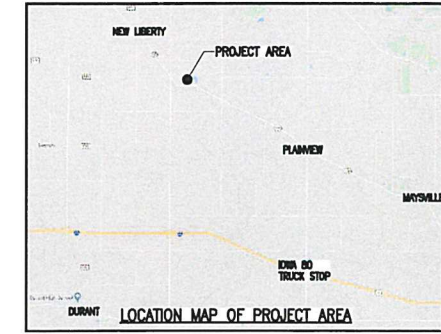
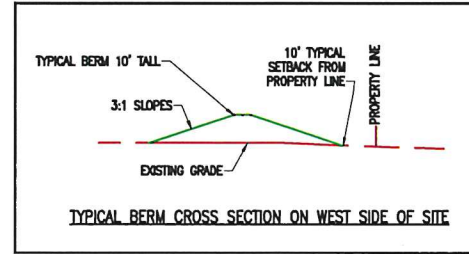
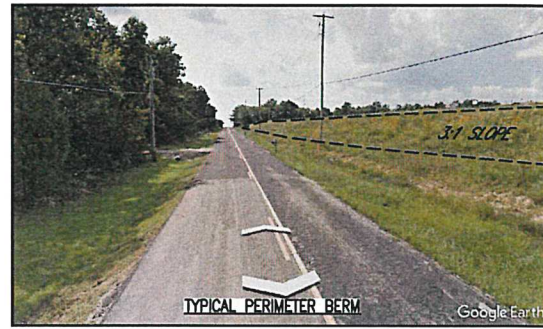
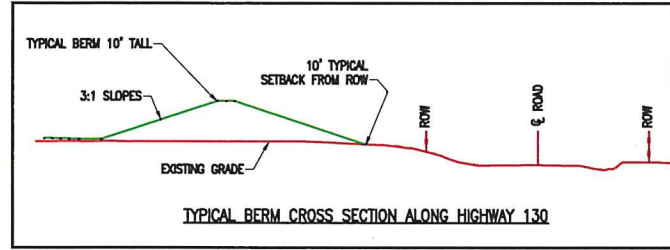
8. Traffic Issues

Ingress and egress for the proposed project will be on top of the hill west of our current entrance. The project will improve safety for the trucks and the general public. Truck traffic would continue to utilize Highway 130 which is a designated for use by highway trucks.

9. Project Benefits

In the end, this project will be a positive development in Scott County. A review of some of the future benefits shows that the project will:

- Provide a much-needed natural resource, high quality construction grade aggregate, which is intended to be developed for and provided to Scott County, as well as city, state, federal governmental agencies, and private consumers in the Scott County area.
- Minimizing piecemeal mining within the County by concentrating the limestone extraction at a location adjoining a similar operation.
- Comply with Iowa and federal statutes and regulations, which assure that extraction activities will not significantly impact adjacent property and other property within the general site area.
- Utilize the site in a manner authorized by and consistent with the Scott County Zoning Ordinance.
- Ensure that project-related truck traffic will continue to use existing roads and highways, which have been designed for such truck and industrial use.
- Provide tax revenues to Scott County for necessary public improvements.
- Ensure that a cost effective material resource will be available for the construction and maintenance of county roads and highways.



PROPOSED SITE PLAN

11"x17" PLOT SCALE: 1"=220 ft

RIVERSTONE GROUP INC.
4640 E. 56th ST.
DAVENPORT, IA 52807



NO.	DATE	REVISION	BY



NEW LIBERTY QUARRY PROPOSED SITE PLAN
FEBRUARY 2020 AERIAL PHOTO

RIVERSTONE GROUP
MC41-NEW LIBERTY
MC41-L07

G:\CAD-DRAWINGS\MC41\LAYOUT\STOCKPILE YARD GRADING-8_DOCKERY.dwg, E1 MAP H, 7/22/2020 4:39:59 PM, nragdale, 1:2.75