



**SCOTT COUNTY
PLANNING AND ZONING COMMISSION
MINUTES**

**Tuesday, January 19, 2021
Virtual Only
5:00 P.M.**

Commissioners present: **Armstrong, Piatak, Maxwell, Scheibe, Stewart, Rochau**

All Commissioners participated virtually.

Commissioners absent: **Schneckloth**

Staff: **Tim Huey, Taylor Beswick, Angie Kersten**

Applicants: **Alan and Erin Rubach**

Public: None

*Meeting was conducted only via Webex/teleconference

1. Call to Order

Chair Scheibe called the meeting to order at 5:00 P.M.

2. Minutes: *Approval of the December 15, 2020 meeting minutes.*

Maxwell motioned a vote to approve the minutes as presented. **Piatak** seconded.

Vote: All Ayes (6-0). Minutes approved.

3. Election of 2021 Officers

Maxwell made a motion elect **Scheibe** as Chair. **Piatak** seconded.

Vote: 6 – 0. All ayes.

Scheibe elected Chair for 2021.

Maxwell made a motion to elect **Piatak** as Vice Chair. **Stewart** seconded.

Vote: 6 – 0. All ayes.

Piatak elected Vice Chair for 2021.

4. Public Hearing – Adoption of Revised and Updated Subdivision Ordinance

Consideration of a proposed ordinance amendment to repeal Chapter 9 Subdivisions of the Scott County Ordinance and adopt a revised and amended Chapter 9 Subdivision Ordinance. The proposed Ordinance adopts amended definitions to gain consistency with Iowa Statewide Urban Design Specifications (SUDAS), among other updates. A draft copy is available for review here:

<https://www.scottcountyiowa.gov/planning/planning-zoning-commission/meetings>

Chair Scheibe introduced the item and asked for the Staff's review.

Huey presented the context and summary of the Subdivision Ordinance update. Staff recommended two alternatives for the Planning Commission to consider. The first was to recommend approval of the revised ordinance but to delete the section that stated the County would not accept new roads but to rather leave the option open to be considered during the review of each major subdivision on a case by case basis. The second was to recommend approval of the revised ordinance with the statement that new subdivision roads would have to provide a legal mechanism for the private maintenance of the roads because Scott County would not accept any additional roads.

There were no members of the public present for the public hearing.

Chair Scheibe opened discussion to the commissioners.

After some discussion, a minority of the Commission expressed the view that the County should consider accepting new roads on a case by case basis.

Armstrong made a motion to approve the Subdivision Ordinance as submitted (with no strikethroughs). **Piatak** seconded.

Vote: Approved (6-0). Subdivision Ordinance recommended for approval to the Board of Supervisors.

5. Public Hearing: Rezoning - Agricultural-General District (A-G) to Single-Family Residential District (R-1):

Application from owner Alan & Erin Rubach to rezone 72.05 acres, more or less, from A-G to R-1. The location of the requested area to be rezoned is north of 267th Street and west of Scott Park Road. The rezoning request does not include the dwelling addressed 26880 Scott Park Road or a 7 acre area located on the northwest corner of the intersection of 267th Street and Scott Park Road. The land requested to be rezoned is legally described as the NW¹/₄NE¹/₄ of Section 36 in Winfield Township and the NE¹/₄NE¹/₄ excluding The East 555 feet of the South 542 feet of the NE¹/₄NE¹/₄ of Section 36 in Winfield Township (Parcel # 033605003, Parcel # 033607005).

Beswick presented the Staff Report and slides on the rezoning application.

Chair Scheibe asked the applicants if they had any comment or questions. They did not.

Chair Scheibe asked any members of the public present for comment. There were none.

Chair Scheibe closed the public portion of the hearing.

Chair Scheibe asked the applicants if they were aware of a dump site or landfill on the property. The **Alan Rubach** states there was no evidence of a landfill but possibly a farmer's dump site from a single family home. They indicated most of the dump site is on the property to the west.

Maxwell asked the applicants why they are requesting 72 acres to be rezoned for one house. The applicants stated they would like increased options for siting their house. They indicated they do not plan to develop in the near future and any development would require a Subdivision review by the Planning & Zoning Commission as well as the Board of Supervisors.

Chair Scheibe proposed a condition to require an environmental review prior to any development.

Piatak made a motion to approve the rezoning per staff's recommendation with the addition of one (1) condition of requiring an environmental study prior to development. The motion died for lack of second.

Chair Scheibe solicited comments from fellow Commissioners on what their views of the were on the application. **Maxwell** and others stated they felt residential development should be limited to inside cities and should not occur in rural areas of the County. Staff reminded the Commissioners that while the Comp Plan did express the preference that all development occur within the cities it also did have criteria for such requests outside of city limits. The Comp Plan did not say that residential development would never be approved outside city limits. Staff suggested if the Commission felt this request didn't meet a preponderance of the established policies they should cite such in their motion. If the Commission felt the policies should be changed then they would need to do that before recommending denial of a rezoning for arbitrary reasons not based on the approved land use policies.

There was more discussion by the Commission on whether they should recommend approval or if not on what basis a recommendation to deny would be based. Staff suggested they could deny the request without prejudice on the basis that rezoning the entire 72 acres was premature and should only be considered when there were specific plans for development this would allow the applicant to resubmit an application to rezone an area on the property for one house.

Piatak made a motion to approve the rezoning per staff's recommendation with the addition of one (1) condition of requiring an environmental study prior to development. **Armstrong** seconded.

Vote: Approved (5-1). Maxwell voting no. Recommended for approval with one (1) condition to the Board of Supervisors.

6. Work Session: Solar Power

Discussion and review of best practices for zoning regulation of small scale and utility scale solar power installations.

Discussion item put on the agenda at the Commission's request to discuss if and under what conditions utility scale solar farms should be reviewed or even considered.

After some discussion and a short presentation by staff on the issues raised by such requests, **Chair Scheibe** asked for an informal poll of the Commissioners on whether solar farm regulations should even be considered in Scott County ag zoning or if the basic concept of such a land use was contrary to our Ag-Preservation policies.

Of the six Commissioners polled four said their initial reaction was that solar farms should not be considered in Scott County ag zoning districts, one was in favor of considering it and one was undecided until they had more information.

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

None

8. Adjournment. Meeting was adjourned with a motion and a second at 6:35 P.M.