



Chris Mathias, Director

**SCOTT COUNTY
PLANNING AND ZONING COMMISSION
AGENDA
Tuesday, March 21, 2023
5:30 P.M.**

1. **Call to Order**
2. **Election of 2023 Officers:** Election of Chair and Vice-Chair for the 2023 Planning & Zoning Commission
3. **Minutes:** Approval of December 20, 2022 meeting minutes.
4. **Minutes:** Approval of Joint Meeting (January 17, 2023) minutes.
5. **Public Hearing, Ordinance Text Amendment:** Proposal from Rily and Ardita Grunwald to define “Snow Tubing Facility” and add it to the list of Special Permitted Uses as an allowable private park use within the Conservation-Recreation Zoning District.
6. **Discussion, Ordinance Text Amendment:** Discussion to set a public hearing to increase the minimum lot size for residential subdivisions.
7. **Discussion, Ordinance Text Amendment:** Discussion to set a public hearing on regulations for accessory dwelling units.
8. **Discussion, Ordinance Text Amendment:** Discussion to set a public hearing on regulations for hazardous liquid pipelines and pipelines that carry carbon dioxide.
9. **Other business:** Additional comments or issues to discuss (Commission members) / Opportunity for public comments
10. **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

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Director

**NOTICE OF PLANNING AND ZONING COMMISSION PUBLIC HEARING FOR TEXT
AMENDMENTS TO THE ZONING ORDINANCE**

Public Notice is hereby given as required by Section 6-31 of the County Code (Zoning Ordinance), that the Scott County Planning and Zoning Commission will hold a public hearing for proposed amendments to said ordinance at a public meeting on **Tuesday, March 21, 2023 at 5:30 PM**. The meeting will be held in the **1st Floor Board Room of the Scott County Administrative Center, 600 West 4th Street, Davenport, Iowa 52801**.

The Planning and Zoning Commission will consider an addition to the ordinance text that pertains to the "Conservation-Recreation (C-R)" District (Section 6-11). The regulations for the C-R district allow only public parks as principal permitted uses, and require ordinance text amendments to add private park uses to the Special Permitted Use section. **Rily and Ardita Grunwald** have submitted an application to define "Snow Tubing Facility" and add it to the list of Special Permitted Uses as an allowable private park use, as follows:

Snow Tubing Facility: A private park facility generally used for the recreational activity of sliding downhill over snow on a large inflated inner tube. Private snow tubing operations shall take advantage of natural topography, with minimal grading to provide appropriate slopes. Snow tubing operations may include: mechanical uphill surface-type person transportation system; a building to house pumps, snow-making and maintenance equipment and inner tube storage; a warming area with restrooms and concessions; a scale-appropriate parking lot; and water detention lake. Most snow tubing operations shall require approval from the Iowa Department of Natural Resources prior to construction and operation.

Approval of the ordinance text amendment would not approve any rezoning or development proposals. If the amendment is approved by the Board of Supervisors, the applicants would need to successfully rezone a property to C-R, and subsequently be issued a Special Use Permit by the Zoning Board of Adjustment prior to construction. If you have any questions or comments regarding this meeting or proposal, please call or write the Planning and Development Department, Scott County Administrative Center, 600 West 4th Street, Davenport, Iowa 52801, (563) 326-8643, planning@scottcountyiowa.gov, or attend the meeting.



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March 3, 2023

To: Planning & Zoning Commission
From: Alan Silas, Planning & Development Specialist
Re: Ordinance Text Amendment, Private Park Proposal, Grunwald

Staff has received and accepted an application for an ordinance text amendment submitted by Rily and Ardita Grunwald to add a Special Permitted Use to the newly-created Conservation-Recreation (C-R) district.

There will be two amendments proposed: the first to add a definition for "Snow Tubing Facility" in the Definitions section of the Ordinance; the second to add "Snow Tubing Facility" to the (currently empty) list of Special Permitted Uses in the C-R District regulations.

The definition for "Snow Tubing Facility" proposed by the applicants would read, "A private park facility generally used for the recreational activity of sliding downhill over snow on a large inflated inner tube. Private snow tubing operations shall take advantage of natural topography, with minimal grading to provide appropriate slopes. Snow tubing operations may include: mechanical uphill surface-type person transportation system; a building to house pumps, snow-making and maintenance equipment and inner tube storage; a warming area with restrooms and concessions; a scale-appropriate parking lot; and water detention lake. Most snow tubing operations shall require approval from the Iowa Department of Natural Resources prior to construction and operation."

Staff may recommend approval of the addition of the definition to the Planning & Zoning Commission with the following modifications:

- "Private snow tubing operations shall take advantage of natural topography, with minimal grading to provide appropriate slopes." **Staff will likely recommend revising to read, "Private snow tubing operations shall take advantage of natural topography to provide appropriate slopes and shall not require significant grading." Since the spirit and intent of the C-R district is to utilize and enjoy natural areas by leaving them in a mostly natural state, "shall not require significant grading" may be more appropriate and may be interpreted as more restrictive than "with minimal grading." "Shall" is usually interpreted as obligatory or mandatory.**
- "...mechanical uphill surface-type person transportation system..." **Staff will likely recommend more clear terminology to reflect the language used in the snow tubing industry. "Uphill tow rope(s)" or "motorized tube lift(s)" may be better terms.**
- "...a warming area..." **Staff will likely recommend more specific terminology to limit the potential uses of a "warming area" aside from restrooms and concessions.**
- "...a scale-appropriate parking lot..." **Staff will likely consult with Secondary Roads regarding impending storm water regulations. The recommendation will likely specify whether the parking lot shall be aggregate or paved.**

The second amendment, which would add "Snow Tubing Facility" to the list of Special Permitted Uses, would likely be favorably recommended by staff if the definition is approved.

Staff will note now and at the public hearing before the Planning & Zoning Commission that these text amendment proposals are not site-specific. At this stage, the Commission will consider only whether the proposed definition and use are compatible with the intent of the C-R District and the Scott County Comprehensive Plan. Therefore, while staff is interested in seeing a concept site plan to help the Commission visualize the proposed use, any analysis of a specific development site should wait until a rezoning hearing and subsequent Special Use Permit review.



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Chris Mathias, Director

Zoning Text Amendment Application

Date 02/16/2023

Applicant: Rily and Ardita Grunwald
220 S 27th Ave Eldridge, IA, 52748
Rily (rgrunwald@rcmachinellc.com, 563-271-5380)
Ardita (agrunwald@rcmachinellc.com, 309-363-9507)

Statement of proposed text amendment: Cite Section of Zoning Ordinance to be amended and requested changes:

Amend the Zoning Ordinance for Unincorporated Scott County Chapter 6, adding to **D. Special Permitted Uses: Snow Tubing Facility: A private park facility generally used for the recreational activity of sliding downhill over snow on a large inflated inner tube. Private snow tubing operations shall take advantage of natural topography, with minimal grading to provide appropriate slopes. Snow tubing operations may include: mechanical uphill surface type person transportation system, a building to house pumps, snow-making and maintenance equipment and tube storage, a warming area with restrooms, concessions, scale appropriate parking lot, and water detention lake. Most Snow Tubing operations shall require approval from the Iowa Department of Natural Resources prior to construction and operation.**

How will such an amendment Comply With the Scott County Comp Plan and Land Use Policies?

This amendment will ensure orderly and efficient growth of private parks with positive land uses while maintaining the general welfare of County residents and natural resources, by using land that is not optimal for farming. This will add an opportunity to create private parks for the enjoyment of the natural environment for Scott County residents and it will encourage new trends in recreational and physical activity within the Scott County. There are currently no snow tubing facilities within the Scott county area.

Rily Grunwald

Signature

Rily Grunwald

Name of Applicant (printed)

220 S. 27th Ave

Mailing Address

Eldridge IA 52748

City / State / Zip

563-271-5380

Phone

Signature

Name of co-applicant

Mailing Address

City / State / Zip

Phone

Received by _____
Zoning Staff

ADD Definition

ACCESSORY DWELLING UNIT: a smaller, independent residential dwelling unit located on the same lot as a stand-alone single-family home, containing provisions for sleeping, cooking, and sanitation.

ADD

V. Accessory Dwelling Units: Unless specified elsewhere in the Ordinance, these regulations shall apply to all residential lots regardless of zoning designation.

- (1) One accessory dwelling unit is allowed per residential lot.
- (2) One of the two dwelling units must be occupied by the owner of the lot for as long as the accessory dwelling unit is occupied.
- (3) An accessory dwelling unit may be located within a detached structure or within the same structure as the principal dwelling unit.
 - a. Accessory dwelling units located within a detached structure must meet the maximum height and minimum setback requirements for detached accessory buildings within the applicable zoning district.
 - b. Accessory dwelling units located within the same structure as the principal dwelling units must meet the maximum height and minimum setback requirements for principal structures within the applicable zoning district.
- (4) Adequate off-street parking is required for an accessory dwelling unit.
- (5) Total square footage of accessory dwelling units located within detached structures shall not exceed the total habitable ground floor square footage of the principal structure.
- (6) Detached structures containing accessory dwelling units must be architecturally compatible with the principal structure and/or zoning district. Architectural compatibility generally includes the following: matching or similar building materials, roofing materials, roof slopes, building eaves, and building fenestration.
- (7) The combined number of occupants in the principal structure and the accessory dwelling unit may not exceed the number allowed by the definition of "FAMILY" as defined by the Zoning Ordinance.
- (8) The accessory dwelling unit must satisfy the requirements of all construction codes adopted by the County including building, electrical, fire, and plumbing codes.
- (9) Before an accessory dwelling unit is approved for construction and/or occupancy, the property owner must submit a registration agreement to the Planning & Development Department with the following information: A statement agreeing that one of the two dwelling units must be occupied by the owner of the lot for as long as the accessory dwelling unit is occupied, and a statement agreeing to the limits and other standards listed above. Accessory dwelling units constructed or occupied without a registration agreement shall be considered principal structures, which is a violation of Section 6-6 N. One Principal Building to a Lot.

(10) Regulations, restrictions, and limitations applicable to “Community Area Development Residential District (CAD-R)” zoned properties and other properties under the jurisdiction of homeowners’ associations may supersede the standards listed above.

OTHER DEFINITIONS/SECTIONS AFFECTED

DWELLING, SINGLE-FAMILY: A building designed for or occupied exclusively for residence purposes by one (1) family. These may be “Detached” so that the dwelling unit is the only one within the structure or “Attached” where there are two, but no more than two, dwelling units within a single structure. With an Attached Single-Family Dwelling each unit is considered a separate building under the provisions of the Scott County International Construction Code, the two units are separated by a common wall and there is a lot line which follows that common wall and extends to define two separate lots. (See also 6-6 H. “Zero Lot Line”.)

6-6 H. Zero Lot Line: In residential districts, single-family attached dwellings, two-family dwellings and townhouses may be sited on a lot line in such a manner that the lot line runs the entire length of the common wall separating the dwelling units. The front and rear yard setbacks shall be maintained, and the side yard for the end units shall conform to the district area regulations. In a "C-1" or "C-2" District, the building(s) may be sited on the side and/or rear yard lot line so long as the principal building is no closer than thirty-five (35) feet to a residential district or an adjoining residence lot line. Any new subdivision or resubdivision proposing the use of the zero lot line shall comply with the procedures of a site plan review by the Planning and Zoning Commission, as described in Section 6-29.

6-6 N. One Principal Building to a Lot: Every building hereafter erected or structurally altered shall be located on a lot, as defined herein, and in no case shall there be more than one (1) single-family residence or duplex on a single lot or tract of land except under the following conditions: (1) An approved temporary mobile home on a farmstead or residential lot may be located on the same lot as the primary residence. (2) A subordinate residence approved with a Special Use Permit or a second residence with an approved farmstead split created with a Plat of Survey. (3) More than one (1) industrial, commercial, multi-family dwelling or institutional principal building may be erected on a single lot or tract, but all such buildings must be located in compliance with the setback requirements of the applicable district regulations.

6-6 U(4b). No accessory building may contain or be used as a dwelling unit unless a second residence is approved with a Special Use Permit or a second residence is created with farmstead split by an approved Plat of Survey.

6-9 D(11). One attached or detached dwelling unit subordinate to the existing dwelling unit, provided that the new dwelling unit meets all building and fire codes and zoning area and setback requirements, that there is unobstructed access to the new dwelling unit for emergency vehicles, and that the County Health Department approves the sewage and water systems.

6-17 C(1). Accessory uses customarily incidental to any permitted principal use within this District; including dwelling units physically attached and subordinate to such use, and which meet all County Health Department requirements.



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February 20, 2023

To: Planning & Zoning Commission
From: Chris Mathias, Planning Director
Re: Proposed Pipeline Ordinance Changes

At the Annual Joint Meeting of the Planning & Zoning Commission, Staff presented a proposed pipeline ordinance from Linn County, Iowa. Staff was incorrect at that meeting to say that the ordinance had been passed by Linn County. As of now, the ordinance has been reviewed by their Board, but the proposal was met with some opposition. Specifically, there were concerns about exemptions in the ordinance which would allow pipelines to be placed at reduced setbacks. Linn County's Planning Staff are considering bringing the ordinance back to the Board but taking out some of those exemptions.

The Joint Meeting was an opportunity for Staff to hear the opinion of members of all three boards that were present. Everyone who shared their opinion found the Linn County approach to be a prudent and reasonable ordinance change to address the safety concerns of hazardous materials pipelines. Based on that shared opinion, Staff have proposed an ordinance text amendment for hazardous liquid pipelines, modeled off of what Linn County has proposed to their Board.

Currently, "franchised electric transmission and gas/commodity pipe lines and associated structures and equipment, including substations" are principal permitted uses in the A-P (Agricultural-Preservation) and A-G (Agricultural-General) zoning districts. This means that pipelines have historically been allowed in these Ag districts, but doesn't necessarily mean that they are exempt from zoning. The intent of allowing these as a permitted use was likely to exempt rural water, natural gas, electric, and other public utility providers' distribution lines that provide needed services to the residents of the County. Recently, pipelines transporting hazardous liquids and gases between states have been proposed with routes through Scott County. Because these pipelines do not provide essential services and create greater risks in the event of a spill or rupture, these amendments are proposed to require setbacks from dwellings and other uses that pose evacuation challenges.

Staff is proposing that hazardous liquid pipelines, and pipelines that carry carbon dioxide in the dense or supercritical form, be treated differently from franchised electric transmission lines and gas/commodity pipelines. These more dangerous types of pipelines should have a required setback from dwellings and places where people gather and Federal law already requires this increased setback, in lieu of appropriate cover depth. Federal regulation 49 CFR § 195.210 Pipeline location, states that a hazardous liquid pipeline must be 50 ft. from a dwelling or public place of assembly, unless it has 12 inches of cover in an addition to the required 18-48 inches of cover that would already be required. The proposal is to add this language to the Zoning ordinance as the State of Iowa does not enforce these federal regulations.

For Carbon Dioxide pipelines in the dense or supercritical state, the proposed setbacks would be even greater due to the inherent risk of sickness and asphyxiation from a carbon dioxide leak, similar to what occurred in Satartia, MS in 2020. In May of 2022, the US Dept. of Transportation announced that



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there would be new regulations for carbon dioxide pipelines in response to the pipeline failure in Mississippi. These standards are not yet available and as such, many counties are proposing their own setback standards. The proposal is to follow what Linn County and Story County have done and base those setbacks on several peer reviewed, scientific studies (Xiong Liu, 2019; Mazzoldi, 2013). The recommended setbacks for a carbon dioxide pipeline would vary based on pipeline diameter.

Our discussions with Linn County have informed us that Iowa Code 331 does prohibit County regulation of natural gas service by a public utility. The proposed ordinance amendments do not apply to any pipeline that is operated as a public utility, following IUB regulations. It also would not apply to water service lines, electrical lines or anything not meeting the definition of a hazardous material as defined by Federal Code 49 CFR 172.101 **Hazardous Materials Table**.

PROPOSED AMENDMENTS:

Add Definitions to Sec. 6-5:

HAZARDOUS MATERIALS: Those materials listed on the Hazardous Materials Table in 49 Code of Federal Regulations (CFR) 172.101

PIPELINE: All parts of those physical features through which a gas or liquid moves in transportation, including pipe, valves, and other appurtenance attached to pipe, compressor units, metering stations, regulator stations, delivery stations, holders and fabricated assemblies.

Amend Sec. 6-9 B. 5 as follows:

“Franchised electric transmission and gas/commodity pipelines and associated structures and equipment, including substations. **Hazardous liquid pipelines and carbon dioxide pipelines in the dense or supercritical state shall meet the general regulation standards of Sec 6.6 W, which include required setbacks, cover depth and other requirements.** All structures of the utilities which exceed 35 feet shall be located where disruption of agricultural, residential or commercial activity is minimized. The base of towers shall be located at least the distance of the height of the tower from any existing, and adjacent neighboring structures(s).”

Add New Section 6-6 W.

Hazardous Materials Pipelines: Proposed private hazardous materials pipelines shall meet the following standards:

- 1) *Setbacks.* The setbacks listed in Table ____ below shall apply to all new private hazardous materials pipelines.



Table: _____ Setback Requirements for Private Hazardous Materials Pipelines

Hazardous Materials Pipeline Type and Use Type	Setback*
Liquid	
<u>Places of Public Assembly**</u>	As established in 49 CFR § 195, no pipeline may be located within 50 feet (15 meters) of any private dwelling, or any industrial building or place of public assembly in which persons work, congregate, or assemble, unless it is provided with at least 12 inches (305 millimeters) of cover in addition to that prescribed in 49 CFR § 195.248.
<u>Dwellings</u>	As established in 49 CFR § 195, no pipeline may be located within 50 feet (15 meters) of any private dwelling, or any industrial building or place of public assembly in which persons work, congregate, or assemble, unless it is provided with at least 12 inches (305 millimeters) of cover in addition to that prescribed in 49 CFR § 195.248
Carbon Dioxide, Dense or Supercritical Phase***	
<u>Places of Public Assembly**</u>	The circle formed around the center point of a pipeline, the radius of which is $r = (155.80 \times d) + 738.19$ where r is the radius in feet, and d is the nominal diameter of the pipeline in inches. For example, a six inch pipeline would require a setback of 1,673 feet.
<u>Dwellings</u>	The circle formed around the center point of a pipeline, the radius of which is $r = (107.65 \times d) + 328.08$ where r is the radius in feet, and d is the nominal diameter of the pipeline in inches. For example, a six inch pipeline would require a setback of 974 feet.

* The setback shall be the distance identified under the setback column in Table _____ measured from the pipeline to the closest point of the building, depending on the identified use type.

** As referenced in Table _____, Places of Public Assembly are areas where evacuation of occupants may present difficulties, including, but not limited to, retirement and nursing homes, family homes, schools and childcare homes and centers, group homes, hospitals, detention facilities, or human service facilities; outdoor places of public assembly, including, but not limited to, campgrounds, day camps, cemeteries, stables, amphitheatres, shooting ranges, golf courses, stadiums, and parks that may be occupied by 20 or



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more persons at least 50 days per year; and indoor places of public assembly including, but not limited to stores, workplaces, houses of worship, and auditoriums that may be occupied by 20 or more persons five days per week.

***Supercritical or dense phase carbon dioxide is that which is held above its critical pressure and temperature in a fluid state.

- 2) *Minimum cover required.* Minimum cover requirements, as established by federal regulations (49 CFR § 192.327 and § 195.248) shall be met. Where federal law does not define a minimum depth of cover and land is in agricultural production, a minimum depth of 36 inches or greater shall be maintained. A greater depth shall be required when determined necessary to withstand external loads anticipated from deep tillage of 18 inches, as required by Iowa Administrative Code 9.5(6), Restoration of Agricultural Lands During and After Pipeline Construction.
- 3) *Development within the floodplain.* All pipelines shall meet both state and local floodplain regulations.
- 4) *Iowa Utilities Board Approval Required.* All pipelines shall have received written approval from the Iowa Utilities Board in accordance with Iowa Code chapter 479B before submitting an application for zoning verification.