



Scott County Board of Adjustment

September 25, 2013

1st Floor Board Room Administrative Center

Members Present: Scheibe, Gallin, Madden, Winborn

Members Absent: Dittmer

Staff Present: Timothy Huey, Brian McDonough

Others Present: Scott County Board of Supervisors – Larry Minard, Tom Sunderbruch, Jim Hancock, Carol Earnhardt, William Cusack

1. **Call to order.** Chairman Scheibe called the meeting to order at 5:05 P.M.

Planning Director **Tim Huey** explained the field trip from which planning staff and Board of Adjustment Members had just returned. The trip was designed by planning staff to give the Board an overview of the types of cases which typically come before them. The trip focused on variances and home industries.

2. **Minutes** – Winborn made a motion to approve the June 26, 2013 minutes. Gallin seconded the motion. **All Ayes (4-0)**

3. **Annual Joint Meeting: Zoning Board of Adjustment and Board of Supervisors** –

Board of Supervisors Chairman **Larry Minard** thanked the Board of Adjustment for their service. He then reviewed the Supervisor's Strategic Plan for the County. Minard focused on the goal of extending the County's resources. Specifically, the Board wants to review County policies that impeded economic development. The Board is working with the Quad Cities Chamber and Quad Cities First to secure large scale development sites. Minard mentioned that Scott County is the third most populous County in Iowa, but is the slowest growing of those three. Minard discussed the strategic advantages of Scott County. It is in close proximity to transportation networks, including rail, barge, and interstate. The County has many higher educational facilities nearby, and a high quality workforce. Minard mentioned the work of the Planning Commission. The Board has asked that the Commission review the County's Comprehensive Plan, specifically the Plan's economic development language. The goal is for the County to be ready for large scale economic development opportunities, such as Orascom presented last year.

Tim Huey elaborated on the Planning Commission's current process in updating the Comprehensive Plan. Huey explained that a lawsuit is still likely to occur surrounding a controversial rezoning, but the idea is that the County can update their land use and economic development policies to be robust enough to withstand a legal challenge. Currently the Planning Commission is working on updating demographic and other County profile data. The next step is to discuss actual changes to the economic development goals and objectives contained within the Comprehensive Plan, and to gather any public input before forwarding recommended changes to the Board of Supervisors for approval. Additionally, there may also be a need to update the County's Zoning Ordinance. It is 30 years older than the Comprehensive Plan and has had multiple revisions since its original adoption, and incorporating the multiple updates and revisions would be helpful. Within that same process, and related to the review of the County's land use and economic development policies, the Ordinance's zoning districts may need to be revisited and updated. Specifically, the County's Industrial District could be updated to allow for review and approval of site plan characteristics at the same time as the rezoning occurs. This would be a form of prescriptive zoning whereby the Planning Commission and Board of Supervisors would have a great deal of control over a specific development proposal at the same time in which it is rezoned; similar to the County's Agricultural Floating Zone.

Supervisor **Hancock** expressed a concern about updating the zoning ordinance at the same time as the Comprehensive Plan.

Supervisor **Sunderbruch** expressed his frustration with the lack of support for updating the Comprehensive Plan and the County's land use and economic development policies broadly. He stated that he is yet to meet someone who is against economic development. However the challenge is overcoming the fears and concerns of residents that may be impacted by a large scale development. There is a strong Not In My Back Yard (NIMBY) mentality from some County residents.

Supervisor **Earnhardt** reiterated that the County must be prepared for the next major development that comes to the region. She mentioned the growth of new businesses in other Iowa communities, including Google, IBM, and Facebook.

Gallin asked if any of those companies mentioned were located in rural or unincorporated parts of the state.

Huey responded that those companies are all located in incorporated cities.

Earnhardt explained that the location of a major economic development project would be beneficial to the County, whether it locates in a city or out in the county.

Winborn stated that he is in favor of directing development towards established cities.

Scheibe stated that the Orascom proposal would likely have ended up in court resulting from a spot zoning challenge.

Huey reiterated that the goal of updating the policies is allow for a potential rezoning of industrial land legally defensible.

There was a brief discussion amongst the entire group about the long-term membership of the Quad Cities Chamber and Quad Cities First. Several staff have left or are planning to leave in the coming months.

Huey mentioned the certified sites programs. There is both a state of Iowa program and a Quad Cities First program. Both are seeking out the best available sites for large scale industrial development. The state program is looking for potential sites statewide, while Quad Cities First is looking for one site in Illinois and one site in Iowa. These sites could be in cities or unincorporated areas. The site selection criteria are not entirely clear at this point. Location to transportation facilities, availability of utilities, among other criteria will be used to evaluate the best possible sites.

Minard asked if there was anything under the Board of Adjustment's direction which could be amended in order to further the Board's goal of removing impediments to economic development.

Huey discussed the County's Industrial zoning district. He explained that all uses in the district are special uses, which require approval from the Board of Adjustment. The fear during the Orascom case was that even if the Board of Supervisors would have approved the rezoning, the Board of Adjustment would have needed to approve the special use permit. Huey explained that special use permits are reviewed based upon their impact upon surrounding properties. Factors include environmental impacts such as increased drainage and impacts on the water table, as well as other factors such as increased traffic, noise, odor, and other nuisances that may affect surrounding properties and/or property values. Huey reiterated that an update of the zoning ordinance that would create a prescriptive zoning district for industrial/manufacturing land uses could be a useful alternative. With a prescriptive method the Planning Commission and Board of Supervisors could review site layout and site planning characteristics at the same time as the rezoning.

All those present agreed that the Orascom case was a valuable learning experience. The County learned that it needed to revisit its policies, across a broad range of departments, regarding large scale developments. The goal is to make smart, meaningful revisions that will allow the County to be ready for the next large scale project, while still maintaining an emphasis on preserving prime agricultural land.

With no new business to discuss, Chairman Scheibe entertained a motion for adjournment. It was moved by Gallin and seconded by Winborn to adjourn the meeting.

Vote: All Ayes (4-0)

The meeting adjourned at 5:45 P.M.