



SCOTT COUNTY PLANNING AND ZONING COMMISSION

July 16, 2013
7:30 P.M.

MEETING MINUTES

Sixth Floor Conference Room (605A/605B)
Scott County Administrative Center

MEMBERS PRESENT: Kent Paustian, Carolyn Scheibe, Clayton Lloyd, Katherine Ion, Gary Mehrens, Linda Rivers

MEMBERS ABSENT: Allan Kluever

BOARD OF

SUPERVISORS PRESENT: Larry Minard, Jim Hancock, Tom Sunderbruch, Carol Earnhardt, William Cusack

STAFF PRESENT: Timothy Huey, Planning & Development Director
Brian McDonough, Planning & Development Specialist
Chris Meeks, Intern

OTHERS PRESENT: Dee Bruemmer-County Administrator
Mary Thee-Assistant County Administrator
Two members of the Media

- 1. CALL TO ORDER:** Chairman Paustian called the meeting to order at 7:30 p.m.
- 2. MINUTES:** It was moved by Scheibe, and seconded by Ion, to approve the June 18, 2013 meeting minutes. **The motion carried unanimously.**
- 3. ANNUAL JOINT MEETING: PLANNING AND ZONING COMMISSION AND BOARD OF SUPERVISORS:** Board of Supervisors Chairman Larry Minard opened the meeting and thanked the Planning and Zoning Commission for allowing the Board the chance to visit with them. He acknowledged the Commission's service, and the work of Tim Huey and his staff. Chairman Minard emphasized the importance of the work conducted by the Commission. He noted that their expertise and recommendations to the Board on land use decisions are essential to many

of the County's goals. Chairman Minard noted the meeting was a good opportunity for the Board and Commission to share ideas, which is important considering the size of the County. Minard noted the size of Scott County (third largest County in Iowa) and its role in the state and region. Other highly populated Counties in Iowa have grown faster than Scott County in recent decades. He explained that Scott County offers many advantages and opportunities for growth, including access to a wide variety of transportation modes, close proximity to Chicago, and a quality workforce with many supporting local colleges and universities. Chairman Minard stated that the Board is in the process of visiting all 17 towns in the County, and the comments they have heard so far from communities and citizens are in favor of growth.

Board Chairman Minard explained the circumstances surrounding last year's rezoning request from Orascom Industries. It is a widely shared view that the County was unprepared, in many departments, for a development of that magnitude. Minard stated that both the Board and Commission need to work together to better position the County for economic development projects. Minard stated that as part of the process of updating the Comprehensive Land Use Plan economic development goals should be reevaluated. There was discussion regarding other economic development projects which have occurred throughout Iowa. The Board stressed that while the protection of Agricultural land is the central feature of the County, there needs to be a system to take advantage large scale development opportunities when they are available, and to look at development in the spirit of cooperation, and providing jobs and wealth to the community. Chairman Minard opened the floor to anyone wishing to comment.

Planning Commission Chairman Paustian spoke on behalf of himself, saying the decision to allow more growth in the County is a tough one, especially in light of the fact that the Commission has enforced strict Ag preservation policies for so long. He noted that the Commission has turned down numerous development proposals throughout the years based upon the Ag preservation goals of the County. Paustian stated that he believes in continuing to support preservation of prime Ag land, in accordance with the spirit and intent of the Comprehensive Plan. Furthermore, he stated that the Board should make final decisions to overrule the Commission if a development proposal arises which they believe outweighs the County's Ag preservation policies. He concluded by stating that he feels the Commission made the correct decision in recommending denial of the Orascom request last year. Paustian stated that if new economic development policies were adopted which encouraged growth in Ag areas he would not know what to tell all of the people who have been denied various requests over the years based upon the County's Ag preservation policies.

Planning Commissioner Ion concurred with Paustian, stating that if the Commission were to begin approving development on Ag land; such decisions would run counter to all of the requests that have been denied in the past. She also stated it would be difficult to explain such decisions to the public, and especially to those who have been denied in the past.

Board member Sunderbruch stated the magnitude of the Orascom proposal in terms of dollars, saying that the difference between past proposals and Orascom can be explained in terms of

size and projected economic impacts. Paustian agreed, and noted that the Commission had never seen a project of that magnitude before.

Board Vice-Chair Hancock stated that he appreciates the Commissioners work and volunteer service, but also stated that he wants to support the decisions they make and not have to overrule them. He stated the history of the Commission and Board has been one of agreement. The Board almost always follows the Planning Commission's recommendation on issues which require Board approval. He wants the two bodies to continue that tradition and common philosophy when it comes to land use decisions in the County, so that the County may be in the best position to take advantage of development opportunities when they arrive. Hancock stated the importance of a community's industrial and manufacturing tax base, explaining that it provides long-term stability and allows for residential growth. He stated that if a project can both significantly increase the taxes received from a parcel while also solidifying the tax base through the industrial and manufacturing sector, then the County should be positioned to take advantage of such an opportunity. He stressed that cooperation is needed between the two bodies.

Planning Commissioner Rivers expressed concerns about offering too many incentives to potential companies. She stated that offering too much in the way of tax incentives, for example, could lessen the supposed benefits of any new development.

Hancock stated that the Board would never offer incentives which would undermine the positive impacts of a development proposal. He further stated that offering incentives in order to compete with other jurisdictions is the reality of economic development, saying that if Scott County did not offer incentives for large scale projects they would assuredly lose out. Hancock made it clear that the Supervisors are careful in their incentive offers. They take such decisions seriously and would never give away more in incentives than the County would receive in benefits. Hancock explained the positive impact Alcoa has brought to the area as well as other large companies, and reiterated that incentives are necessary in order to attract large industries.

Rivers responded that some companies move after incentives expire, taking advantage of municipalities and leaving behind partially developed and unusable land.

Sunderbruch noted that the Board, as a whole, is very fiscally conservative and would not offer too much in the way of incentives. Hancock agreed, as did all other Board members.

Board Member Earnhardt stated that the Orascom proposal was a lesson to the Board, and provided motivation to look at County policies, including the Comprehensive Plan and economic development policies, in order to avoid being left out of large deals. Earnhardt also stated her own belief that the County should not just be preparing for large scale industrial and manufacturing projects, but also should be looking to attract companies based around technology, engineering, math, and science. Earnhardt mentioned recent companies like IBM

(Dubuque) and Facebook and Microsoft (Des Moines Metro) as examples of technology businesses that are beginning to appear in Iowa.

Board Member Cusack stated the goal is to draw in companies in fiscally responsible ways.

Planning Commission Vice-Chairman Lloyd stated that it is impossible to be fully prepared for huge projects, but acknowledged that the County could be better prepared for them, and certainly could be ready for smaller scale economic development. He stated that his experience has led him to believe that large scale economic development projects can and should locate in cities, and they almost always do. He stated that certain projects, such as Orascom, are rare instances where the magnitude and use actually fit better in a remote rural area as opposed to a city. He commented that businesses such as IBM and Microsoft are best located in cities. While there is a chance they could propose to locate in the County, the services they require will be most readily available in cities. Lloyd summed up by saying that a balance needs to be struck between development and preservation. He stated that while he does not want to ignore opportunities for development in the County, large-scale development proposals that are well-suited for a remote location in the County will be relatively rare, and that the focus should still be on preserving prime farm land and directing development towards existing cities and towns.

Hancock agreed with Lloyd regarding the rarity of large-scale development requests, but also stated that the County should be ready when such opportunities arise. Hancock stated that the objections to the Orascom proposal can be boiled down to NIMBYism. He stated that the Board would have answered the concerns surrounding the project had the developer been serious about Scott County as a site and moved forward with the process. Hancock stated that Scott County was never being seriously considered as a site, but only used to gauge their incentive offering. The other Board members agreed.

Minard introduced the idea of certified sites, whereby a region pre-selects a site for large-scale development. He suggested perhaps the updates to the Comprehensive Plan could reflect this concept.

Paustian asked for clarification of the concept of certified sites.

Minard asked the County Administrator, Dee Bruemmer, for clarification.

Ms. Bruemmer stated that the certified sites program is still in progress and is not fully developed. In short, the program would involve regional cooperation whereby municipalities would agree on revenue sharing and site selection in anticipation of future large-scale development projects. The idea being that when a development is proposed, the region is better equipped to responsively handle the request. Ms. Bruemmer stated that the Board is more interested in updating Scott County policies to better handle future industrial and manufacturing development proposals than they are about incorporating certified sites

language into County policies. She explained that even once the concept is fully developed, they may only be one or two sites chosen in an entire region. The Board would like to see the Zoning Board of Adjustment's role in approval of industrial and manufacturing land use decisions reevaluated. She concluded by stating that the Planning Commission should not view this process as having a pre-defined goal or end product. Rather the process should be open and transparent.

Planning Director Timothy Huey agreed, and added that the County's Agriculture Service Floating Zone (A-F) could serve as a model for what a new industrial and manufacturing zoning district could look like. The County's A-F zone includes a number of criteria directly in the Ordinance which must be met in order to approve a rezoning. If the County adopted a similar floating zone or incentive-based zone for industrial and manufacturing uses, the same type of site specific criteria would be required and known in at the time of a rezoning request. In other words, rezoning and site plan review essentially occur at the same time. The advantage is that the Planning Commission and Board would know detailed information about existing and planned improvements to site characteristics before they decide on a rezoning request. They would also have the assurance that any such site, once rezoned, could only be used for a narrowly defined use. Huey also commented on the earlier point that the Board has the ability to overrule the Commission if they see fit. He stated that any recommendation by the Planning Commission or final vote and approval by the Board must be legally defensible. In order to hold up to a legal challenge, land use decisions must be made in accordance with the Comprehensive Plan. By making economic development decisions clearer, and by reinforcing and clarifying the County's goals on such matters directly in the Comprehensive Plan, there is a much greater likelihood of preventing or, at the least, winning any legal challenges. In other words, the County is exploring updating the economic development language in the Comprehensive Plan, because that lays the legal framework for defending land use decisions. Updating and clarifying the Zoning Ordinance at the same time will ensure that the two documents work in harmony to promote the land use goals of the County.

Rivers explained that she was still uneasy with changing the plan in a way that would allow Ag zoned land anywhere in the County to be developed. She offered the opinion that focusing on the certified sites idea might be a compromise.

Minard says the county is working on the idea, but reiterated that it is a work in progress, and no sites have been chosen yet. The Board has limited control over the process and ultimately what may be chosen as a certified site. The focus is on reviewing things within the County's control, such as the Comprehensive Plan and Zoning Ordinance.

Paustian asked who would own the certified sites. **Minard** responded that the Board is still working on this idea. **Dee Bruemmer** stated that private developers would submit potential sites. The County or other entities would not own any sites. She stated that the main goal for the County is to re-write the Comprehensive Plan so preservation and development may both occur. She also noted that reevaluating the Zoning Board of Adjustment's role in the approval

of industrial and manufacturing rezoning requests is a goal of the Board. She reiterated that it is important for the Planning Commission to go about this process without preconceived notions of final outcomes, and to make a clear path without jeopardizing preservation.

Huey stated there is no particular reason the Plan needs revision, besides the input of fresh ideas. He also noted that the Plan itself calls for revision and reevaluation every five years or as often as is needed to maintain a realistic relationship with current trends of development.

Rivers commented that technology companies could be beneficial to the county and may be willing to look at rural sites.

Cusack agreed and supported the idea of technology companies locating in the County because they are clean operations.

Minard stated that Orascom was a learning experience and will improve the County's ability to plan for economic opportunities before they arrive in the future.

Paustian stated that the Board appoints members to the Commission, and he feels the goals of this process need to be clearly stated and come directly from the Board.

Minard responded that the Board wants the Commission to use their expertise to evaluate these issues. The Commission should spend time studying and reviewing, and provide an informed recommendation to the Board. **Sunderbruch** agreed, stating the purpose of tonight's meeting was for the Board to lay out their values and beliefs to the Commission. He stated that the Board would like direction from the Planning Commission on how to best address the Board's economic development goals as they relate to land use decision making in the County.

Paustian asked for a timetable on this project. **Huey** responded by saying there is no time table. The Commission should be efficient in their work, but with the low number of requests they have received over the past few years, there should be plenty of meeting time to work on this project. Huey suggested meeting twice a month for work sessions. He stated that eventually the Commission may wish to have public hearings or County wide meetings. Huey suggested meeting at the next regularly scheduled Planning Commission meeting on August 6th to have a brainstorming and work session. Paustian agreed.

Hancock stated that he was awakened by the Orascom deal, and that Scott County is the slowest growing big county in the State of Iowa. He wants to change that, and believes industrial development is a great opportunity to grow. He stated his belief that minds can be changed if the positive impacts of developments are explained.

Paustian asked for clarification on certified sites, wanting to know if the County would own any land.

Minard said the County would not own land under the certified sites program. He further stated that a possible way to start finding developable spots is through a private company which would come up with one or two possible sites in each Quad City County. This would help market Scott County to companies with interest in the area. Minard stated he wants to market Scott County in an appealing way for growth.

Planning Commissioner Scheibe stated she has fewer objections to site specific development, and she feels this is the best way to preserve farm land. She asked if wording could be done in a way so as to promote site specific growth as opposed to County wide.

Rivers noted that Corn Suitability Rating is important.

Bruemmer mentioned that Certified Sites are funded by the Regional Opportunities Council, and opportunities for large scale industry could be a focus as well as bubbles for economic development. She made it clear that certified sites are not close to being chosen, and are likely to be chosen in cities.

Minard noted that most of these certified sites would be near existing development, so high CSR rated cropland would not be significantly affected. He then asked Huey for his opinion.

Huey stated the process of updating the Comprehensive Plan should be conducted without preconceived notions about outcomes. He stated that in the spirit of Ag preservation the Planning Commission needs to review County policies, including the Comprehensive Plan and Zoning Ordinance, for compatibility with large scale economic development. He further stated that it is not an "either or" approach. In other words there is not a decision to be made between preservation and development, but rather the challenge is how to incorporate the two together. He commented on the certified sites program by saying that the County would not need to own land, but rather the concept works because of the early identification of willing sellers whom are part of the site selection process; this concept speeds up the process of development.

Rivers reiterated that she prefers site specific development sites, and has concerns about being too flexible.

Minard noted the recent amendment to the A-F zone for agricultural trucking companies, and believed that similar work needs to be done here to tweak language. He stated the goal as having language that would open opportunities for large scale economic development while preserving prime agricultural land.

Earnhardt noted that no matter what changes are made, the possibility of a lawsuit still exists in controversial cases.

Huey explained that stronger economic development language and clear policies is the surest protection if a land use decision ends up in court. However, he also agreed with Supervisor Earnhardt that ultimately a lawsuit could derail a development proposal regardless of how strong the County's policies are. Huey mentioned the Wilson Concrete case that happened approximately fifteen (15) years ago. This was a controversial rezoning that ended up in the Iowa Supreme Court. Ultimately the court ruled in favor of the County because the decision to rezone was in accordance with the County's Future Land Use Map and Comprehensive Plan. However, the time it took for the lawsuit to be resolved resulted in the company losing interest in the site. Huey mentioned that an agenda will be put together for a work session during the next regularly scheduled Planning Commission meeting on August 6th.

With no new business to discuss, Chairman Paustian adjourned the meeting at 8:30 P.M.