

**Thee, Mary**

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**From:** Huey, Timothy  
**Sent:** Monday, August 12, 2013 9:18 AM  
**To:** Thee, Mary  
**Subject:** FW: Meeting to discuss zoning issue and comp plan amendments

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**From:** [cmljml@q.com](mailto:cmljml@q.com) [mailto:[cmljml@q.com](mailto:cmljml@q.com)]  
**Sent:** Wednesday, April 03, 2013 12:49 PM  
**To:** Huey, Timothy  
**Cc:** McDonough, Brian J.  
**Subject:** Re: Meeting to discuss zoning issue and comp plan amendments

Tim:

Thank you for including me, though I don't know what you may have in mind. However, I will be happy to join in such a meeting--trusting you two, and Dee, too.

Both Tuesday, April 9 in the afternoon and Wednesday, April 10 in the morning are currently unscheduled for me.

Having a better idea of what issues you would expect the amendments to address would help me get my brain working on this. I assume this is a further response to last year's Orascom experience--true? Other issues to be addressed?

Clayton

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**From:** "Timothy Huey" <[Timothy.Huey@scottcountyiowa.com](mailto:Timothy.Huey@scottcountyiowa.com)>  
**To:** [cmljml@q.com](mailto:cmljml@q.com)  
**Cc:** "Brian J. McDonough" <[Brian.McDonough@scottcountyiowa.com](mailto:Brian.McDonough@scottcountyiowa.com)>  
**Sent:** Wednesday, April 3, 2013 10:00:04 AM  
**Subject:** Meeting to discuss zoning issue and comp plan amendments

Clayton:

Would you have some time when you would be available to brainstorm some ideas about zoning and Comp Plan amendments I am considering presenting to the P & Z Commission? I wanted to include Dee and Brian in our discussion also. In looking at Dee's schedule next Tuesday afternoon or Wednesday morning looks like it would work for her. Or if they don't work for you give me a couple of different times that would.

Thanks

Tim

**Thee, Mary**

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**From:** Huey, Timothy  
**Sent:** Monday, August 12, 2013 9:18 AM  
**To:** Thee, Mary  
**Subject:** FW: Meeting to discuss zoning issue and comp plan amendments

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**From:** Huey, Timothy  
**Sent:** Monday, April 08, 2013 10:44 AM  
**To:** Bruemmer, Dee  
**Subject:** FW: Meeting to discuss zoning issue and comp plan amendments

Here's what I told Clayton about our meeting on Wednesday

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**From:** Huey, Timothy  
**Sent:** Wednesday, April 03, 2013 4:00 PM  
**To:** 'cmljml@q.com'  
**Cc:** McDonough, Brian J.  
**Subject:** RE: Meeting to discuss zoning issue and comp plan amendments

Clayton:

How about April 10th Wednesday morning at 9 Am?

You are absolutely correct with your supposition. The two things we've talked about is amending our Comp Plan to expand the economic development element to make it clear that we place a high priority on providing areas for large scale industrial development that should be located near Interstates, rail, electric, natural gas, etc that need large tracts of level land. And that even though we continue to place a high priority on the preservation of prime farmland and protecting ag activity it is not meant to exclude opportunities for an 800 pound economic development gorilla.

The second would be amending our Heavy industrial Zoning regulations to eliminate the requirement that a large scale industrial development would need a Special Use Permit approved after the land is rezoned. In other words if the County Board goes through all the controversy of rezoning land for a huge project that their decision be the final approval and not have the project still have the possibility of being denied by the ZBOA. I think there would be methods by which we could address the site specific requirements of any such projects during the rezoning, similar to having the P & Z approve the site plan as we do with A-F and make those conditions part of the rezoning.

Is that enough to get the old grey matter working? Let me know if the 10<sup>th</sup> works and I will get it on Dee's calendar.

Tim

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**From:** [cmljml@q.com](mailto:cmljml@q.com) [mailto:cmljml@q.com]  
**Sent:** Wednesday, April 03, 2013 12:49 PM  
**To:** Huey, Timothy  
**Cc:** McDonough, Brian J.  
**Subject:** Re: Meeting to discuss zoning issue and comp plan amendments

Tim:

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Timothy Huey  
Director

To: Scott Planning and Zoning Commission

From: Timothy Huey

Date: June 14, 2013

**Re: 2013 Review of Scott County Comprehensive Plan**

The 2008 Scott County Comprehensive Plan that was adopted in 2008 stated in Chapter 11 Mechanisms for Plan Implementation:

The plan should be reevaluated periodically to maintain a realistic relationship between the plan and current trends of development. Revisions may be required as unforeseen development opportunities occur or more thorough analysis of development issues become available.

In 2011, two addendums to the Comprehensive Plan were adopted. The first was the adoption of ten Smart Planning Principles to be included in Chapter 2 Vision, Goals and Objectives and the second was the adoption of criteria for determination of agricultural exemption to County Zoning Ordinance and Building Codes and explanation of farmsteads split in agricultural zoning districts which was included in Chapter 11 Mechanisms for Plan Implementation.

The County Board of Supervisors has adopted a 2013-14 Strategic Plan with one of the goals being to extend county resources. Two of the objectives identified under that goal are:

Review County policies that impede economic development

Work with Quad Cities First and the Quad Cities Chamber to identify and secure more large scale development sites

Staff would offer the following outline for the Planning Commission to review the Comprehensive Plan in accordance with the Board's Strategic Plan but also to identify any other amendments or modifications that may be recommended for consideration. One of those amendments would be to update Chapter 3 County Profile to include 2010 U.S. Census data.

**Elements of Comprehensive Plan to be reviewed**

Chapter 2 Vision Goals and Objectives:

Expand Economic Development Objectives to better address opportunities for investment and jobs that far outweigh the benefits of preserving the prime farm ground.

Continue to encourage intergovernmental cooperation on economic development.

**Chapter 3 County Profile:**

Update County demographic information to include 2010 U.S. Census data and current estimates for growth, current economic data and trends, and other information deemed appropriate.

**Chapter 10 Strategies for Implementation:**

Amend Commercial and Industrial Zoning regulations to address permitted uses, special uses to ensure site specific issues are addressed at the appropriate stage of review.

**Future Land Use Map**

Review entire map for appropriate areas and types of development and following the Quad Cities Chamber's Certified Sites ID process consider amendments to address areas appropriate for large scale development.

**Zoning Ordinance**

Amend selected district regulations, other changes to general regulations or definitions or wholesale re-write of the ordinance.

**Comprehensive Plan Review Process**

Initially, establish a Scott County Economic Development Policy Review Task Force/Steering Committee. Contact representatives from various public and private entities that would be willing to meet to review current policies and develop recommendations for any changes or modifications. Staff expects that this group could work under a fairly short timeframe to review and develop recommendations. It is staff's experience that you need to keep the discussion focused on the objectives and the meetings productive to keep the participation of the members. We would also limit the committee to about 15.

**Recommendation on Economic Development Policy Review Task Force participants:**

- Board of Supervisors and Planning and Zoning Commission
- Economic Development staff member from Davenport, Bettendorf, & Eldridge
- Other small towns and/or Park View
- Quad Cities Chamber of Commerce
- Bi-State Regional Commission
- Scott County Farm Bureau or other agricultural organization
- Real Estate professional, preferably someone familiar with agricultural and commercial
- Industrial sector representative
- Soil Conservation or environmental sector representative
- School District

Staff would recommend that the task force be formed as soon as possible and conduct its review and make recommendations to the Planning and Zoning Commission. The Commission could then proceed with the process to forward its recommendation to the Board of Supervisors and following any adoption of Comp Plan amendments, proceed with the recommended implementation strategies and ordinance amendments.

activity can be difficult. So long as the business maintains its primary activity in Ag-related hauling, it would be in compliance.

**Lloyd** proposed that the amendment be changed to read, "Ag commodities and logistics business involving the local transportation of grain, feed, fertilizer, livestock, and other agricultural commodities." Paustian agreed with the language. Commissioner Kluever asked if the applicant approved of the amended language.

**Nick Flenker** agreed with the language proposed by the Commission, but wanted clarification on "local transportation." The applicant's business does haul products either to or from Scott County, but that hauling does include regional trips. Applicant explained they haul to Nebraska and Wisconsin, for example. Mr. Flenker explained that the region they work in can be explained in terms of distances that can be covered in one day (including return trip). They would rarely, if ever, have overnight storage of product at their actual site.

**Huey** explained that site specific characteristics should be addressed if this use is approved and in relation to a specific rezoning application. Only the text amendment itself should be considered at this time. However, the potential for storage of materials is a valid concern that could be addressed and limited by the Commission during rezoning approval and site plan review.

**Lloyd made motion to approve** "Agricultural commodities and logistics businesses involving the local transportation of grain, feed, fertilizer, livestock, and other agricultural commodities" as an additional permitted use in the Agriculture Service Floating Zone District.

**Motion seconded by Kluever**

**Vote: 7-0, All Ayes**

#### **4. DISCUSSION OF PERIODIC REVIEW OF THE COMPREHENSIVE PLAN:**

**Huey** noted it had been five (5) years since the Comprehensive Plan had been re-written and adopted in 2008. The Plan itself recommends review and update every five (5) years. Huey explained that in the five years since adoption two addendums have been completed. One added the State of Iowa Smart Planning Principals, and the other updated the County's Ag Exemption review and approval procedures, which has made the exemption stricter and less prone to abuse. Huey explained that staff has already begun compiling 2010 census data in order to update the Plan's demographic and economic data. Only 2000 census information was available in 2008. Huey stated that the Board of Supervisor's recently updated their County Strategic Plan goals, and part of that update included language calling for an update of the County's economic development strategies. This intersects with the Comprehensive Plan update as the Plan has specific economic development objectives. Specifically, the Board is interested in removing impediments that may exist in the Commercial and Industrial zoning

Members of the Planning Commission discussed these issues in detail and expressed initial concerns with any change to the Comprehensive Plan that would include any language that may undermine or replace the Plan's current emphasis on protection of prime agricultural land. Many members referenced the public input process from 2008, where the overwhelming support of the public was for the protection of prime farm land. Some Commission members expressed that it should be the duty of elected officials to override the County's Land Use Policies if they determine a specific project outweighs the Plan's policies. Therefore, there was no need to address economic development aspects of the Plan. Staff explained that the Board needs language in the Comprehensive Plan to validate such a decision, and make it legally defensible. In other words, the issue is about having the proper economic development goals and objectives in the Comprehensive Plan to make any such decision legally defensible. The Planning Commission expressed a strong interest in meeting with the Board of Supervisors before moving forward on this issue. Staff recommended a task force be formed to provide expertise and input on the economic development front of this Plan update. Some Commissioners expressed disagreement with staff's recommended task force members, specifically not seeing a need for members consisting of representatives from Bi-State, the Quad Cities Chamber, or staff from larger cities in Scott County. Staff made it very clear that while this process should proceed in a timely manner, there is no time constraint. The meeting ended with the Commission unanimously agreeing to schedule a joint meeting with the Board of Supervisors before moving forward.

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To:  
From:  
Re:

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recommend approval of the amendment but amended the wording for the proposed new use. The Commission changed the language from "Ag Logistics" to "Ag Commodities and Logistics" involving the local transportation of grain, feed, fertilizer, livestock, and other agricultural commodities. The Commission's main concern was that commercial trucking businesses could take advantage of the permitted use to locate in the County in order to lower their site and operational costs rather than locating in an appropriate zone. Staff stated that if approved, this amendment would only allow trucking businesses which are related to local agricultural operations. The condition of approval was that such trucking businesses primarily transport local goods and commodities used and produced locally. The revised language recommended by the Commission clarified this requirement. Nick Finkler, his brother and business partner, and their spouses were the only four members of the public present at the meeting.

Discussion of Periodic Review of the Comprehensive Plan

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Discussion between the Planning Commission and staff took place regarding review and update of the County's Comprehensive Plan. No members of the public were present. Staff explained that Chapter 11 of the Plan, "Mechanisms for Implementation," recommends that the plan be reevaluated periodically to reflect development changes and trends. Staff explained that two subchapters have been added since original adoption in 2008. The first adopted the State of Iowa's ten smart planning principles, and the other added the County's criteria for determining agricultural exemptions and farmstead splits. Staff explained that 2010 Census information should be added to update Chapter 3, "County Profile." Also, the Future Land Use Map should be revised because it has been approximately 12 years since it was last reviewed. Staff also recommended looking at revising the Zoning Ordinance, with specific attention paid to the Commercial/Industrial and Manufacturing Zoning Districts. Attention should be paid to what uses are listed as permitted versus special permitted. Staff also mentioned that recent development proposals and the Board of Supervisors 2013-2014 Strategic Plan necessitate revisiting the Plan's economic development language.

Districts of the Zoning Ordinance. The Board is also interested in addressing the economic development objectives and language in the Comprehensive Plan. Huey stated that it is the Planning Commission's role to review the Comprehensive Plan first and provide recommendations to the Board, who ultimately approves any changes. Huey further explained that this may also be the time to update the County's Future Land Use Map, which has not been updated in nearly fifteen (15) years. He made it clear that these tasks are not subject to a strict timeline. Huey suggested that a steering committee be formed to review the economic development aspects of the plan. Membership of the committee should represent all jurisdictions in Scott County. Recommended members included: At least one member of the Planning Commission, one member of the Board of Supervisors, representatives from Davenport, Bettendorf, Eldridge and a member of a smaller community, as well as representatives from the Quad City Chamber of Commerce, Bi-State Regional Commission, Scott County Farm Bureau, Real Estate professionals, Industrial Sector representative, Soil Conservation officials, and local School Districts. Huey then paused for Commission discussion and questioning.

Paustian noted he is disappointed the Commission has not met with the Board of Supervisors for their annual joint meeting yet this year. He stated that he is a supporter of protecting prime agricultural land and has concerns with changing the focus of the plan to economic development. He said that if a project which is contrary to the Ag preservation policies is desired to be approved, then that decision should rest on the Board of Supervisors. He stated it is their job to overrule the Planning Commission in certain instances, because they are elected officials and carry more weight in the community.

Huey stated that any decision by either the Commission or the Board must be legally defensible. In order for that to be the case, any decision must be in accordance with the Comprehensive Plan. In terms of economic development, in order to approve a particular rezoning the Comprehensive Plan must contain language that permits such a decision. Huey explained that Comprehensive Plans are contradictory by nature. Huey made it clear that no one has proposed to get rid of any of the Plan's emphasis on Ag preservation, but rather the emphasis is on adding to the economic development language to allow for the potential approval of large scale projects. Paustian then asked Huey his thoughts on preservation, to which Huey responded that he is dedicated to preservation, and while large scale development proposals are rare, he wants to be prepared when they do arise. Huey said this is all a preliminary discussion, and that to ensure that the process is balanced and all viewpoints are heard and represented, he recommends a steering committee. Membership of such a group should be varied, including representatives from the agencies he mentioned previously, but with head direction from the Commission and the Board.

Mehrens stated that in the public input sessions for the 2008 plan the citizens of Scott County overwhelmingly supported Ag preservation as the County's top land use goal. He was concerned that amending the plan may be contrary to the wishes of the citizens of Scott County. In town hall meetings regarding the adoption of the Plan five years ago voters wanted

to preserve prime Ag land. Amending the Plan's language could appear to be an attempt to go against what the voters recommended. Suggestions came from the Commission to set thresholds which could eliminate small scale commercial developments, while retaining the ability to approve large scale ones.

Huey responded that the Ag preservation language is not being removed or changed, and that gathering input from economic development experts is the best way to approach updating the economic development goals of the plan. The diversity of the suggested members of the steering committee should capture the Ag preservation viewpoint as well. Huey stated that the Commission can recommend citizen input sessions as part of this process if they choose. Huey also stated that while citizens had a strong emphasis on farm land preservation when developing the plan, those same citizens also demand services and lower taxes. In order to realize all of these goals in a balanced manner, some development, especially "super site" large-scale development, must be considered.

Rivers asked if a threshold could be established in an attempt to define what types of projects may be approved or denied based on any new economic development language. She asked if numbers of jobs, tax revenue, or investment could help approve large scale projects while denying smaller scale projects that could lead to sprawling development.

Scheibe stated that while she agrees with preservation, there is not a good way to set hard thresholds due to the changing nature of development and the potential to approve or deny certain projects that fall just above or below whatever threshold is set. She asked if there was any way to add areas to the Future Land Use Map which indicate suitability for large scale development.

Huey suggested an "Industrial Floating Zone" which would only be used in large scale projects, and not be suitable for small scale. He also noted that all good Comprehensive plans are worded in a way that would allow for the Commission to interpret certain projects differently than others. He also noted that areas considered suitable for large scale development or "super sites" would likely be located near cities and with good access to the infrastructure that is inevitably necessary (transportation and utilities). Huey made the point that denying such projects to locate in the County equates oftentimes to a nearby city annexing the site and developing it in the city. In this case the County's emphasis on farm land preservation combined with its inadequate economic development language create a scenario where the development still happens, prime farm ground is developed via annexation (of which the County has little control over), and on top of that the County loses out on a larger proportion of the property taxes.

Lloyd stated that the first step would be to meet with the Board so that the two bodies may express their values before moving forward. It may be the case that the Planning Commission does not value economic development in unincorporated Scott County.



Huey suggested that the Commission and Board of Supervisors attempt to hold their annual joint meeting on either July 2<sup>nd</sup> or July 16<sup>th</sup>. Huey stated that this project is not on a strict timeline, and is ongoing. He appreciated the desire by the Commission to discuss this issue with the Board upfront before recommending anything for their approval. He mentioned the joint meeting would be a good time to discuss membership of the suggested taskforce/steering committee.

Paustian commented that he disagreed with some of the suggested taskforce members. He does not think representatives from the large communities in the County need to be involved, as this issue will most directly impact small towns and farmers. Huey responded that tax revenue of large-scale projects affects all residents of the County, and most of the County's population resides in larger cities. Scheibe agrees with Paustian and would like to see more than one member of the Planning Commission on the taskforce. However she did believe that some representation from larger cities would be a good idea. Huey noted that the suggested representatives were listed because of their expertise in economic development planning, and not because of their opinions on land use decisions in rural Scott County.

Huey noted that the Commission has the final say in how they want to proceed. The taskforce was an attempt to broaden input and discussions. All agreed that the next step is to schedule a joint meeting with the Supervisors on either July 2<sup>nd</sup> or July 16<sup>th</sup>.

Paustian made motion to adjourn. The motion carried unanimously. The meeting adjourned at 8:30 P.M.

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Timothy Huey  
Director

June 19, 2013

To: Dee Bruemmer

From: Tim Huey

Re: Planning and Zoning Commission action on June 18, 2013 agenda items

Members Present: Paustian, Lloyd, Ion, Scheibe, Mehrens, Kluever, Rivers

Members Absent: None

1. **Public Hearing: Request for Zoning Ordinance text amendment to the Agriculture Service Floating Zone (A-F)**

This request was to amend the County's A-F Zoning District to include an additional permitted use of "Ag Logistics." The applicant explained his intention to establish an agriculture trucking business if this text amendment is approved. At that time he would submit a rezoning request for a specific property in order to establish the business in a new A-F Zone. The Commission voted unanimously to recommend approval the text amendment but amended the wording for the proposed new use. The Commission changed the language from "Ag Logistics" to "Ag Commodities and Logistics businesses involving the local transportation of grain, feed, fertilizer, livestock, and other agricultural commodities." The Commission's main concern was that commercial trucking businesses could take advantage of this permitted use to locate in the County in order to lower their site and operational costs rather than locating in an appropriately zoned commercial or industrial area. Staff stated that, if approved, this amendment would only allow trucking businesses which are related to local agricultural operations. The condition of approval was that such trucking businesses primarily transport local ag goods and commodities used and produced locally. The revised language recommended by the Commission clarifies this requirement. Nick Flenker, his brother and business partner, and their spouses were the only four members of the public present at the meeting.

2. **Discussion of Periodic Review of the Comprehensive Plan**

Discussion between the Planning Commission and staff took place regarding review and update of the County's Comprehensive Plan. No members of the public were present. Staff explained that Chapter 11 of the Plan, "Mechanisms for Implementation" recommends that the plan be reevaluated periodically to reflect development changes and trends. Staff explained that two addendums have been added since original adoption in 2008. The first, adopted the State of Iowa's ten smart planning principles, and the other added the County's criteria for determining agricultural exemptions and farmstead splits. Staff explained that 2010 Census information should be added to update Chapter 3, "County Profile." Also, the Future Land Use Map should be revisited because it has been approximately 15 years since it was last reviewed. Staff also recommended looking at revising the Zoning Ordinance, with specific attention paid to the Commercial/Industrial and Manufacturing Zoning Districts. Attention should be paid to what uses are listed as Permitted versus Special Permitted. Staff also mentioned that recent development proposals and the Board of Supervisors 2013-2014 Strategic Plan goals necessitate revisiting the Plan's economic development language.

## Thee, Mary

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**From:** Huey, Timothy  
**Sent:** Monday, August 12, 2013 9:18 AM  
**To:** Thee, Mary  
**Subject:** FW: Comp Plan - review language

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**From:** McDonough, Brian J.  
**Sent:** Wednesday, July 10, 2013 7:40 AM  
**To:** Huey, Timothy  
**Subject:** Comp Plan - review language

Tim,

I don't know if you've sent the final version of your memo to Dee and the Board yet, but on page 10-2 of the comp plan there is a timeline for land use objectives including general comp plan revision and review of zoning and subdivision ordinances. I don't see 5 years listed anywhere specifically, but on 10-2 these "implementation activities" are listed as "ongoing." Of course Chapter 11 says "periodically review to maintain a realistic relationship between the plan and current trends of development . . ."

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## 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 ASENT:** 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 6<sup>th</sup> 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 6<sup>th</sup>.

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