

PLANNING & DEVELOPMENT

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**SCOTT COUNTY
PLANNING AND ZONING COMMISSION**

Tuesday, January 18, 2022

5:00 P.M.

Scott County Administrative Center
1st Floor Board Room
600 W Fourth Street
Davenport, Iowa 52801

OTHER PARTICIPATION OPTIONS:

Connect Via Phone:

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Please find call-in instructions, agenda, and meeting materials here:

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

AGENDA

1. **Call to order.**
2. **Minutes** - Approval of the November 16, 2021 Planning & Zoning Commission meeting minutes
3. **Annual Joint Meeting: Planning & Zoning Commission, Zoning Board of Adjustment, and Board of Supervisors** – Planning & Zoning Commission members, Zoning Board of Adjustment members, Board of Supervisors, County Administrator, Planning Staff
 - 1) Presentation on utility-scale solar uses in Scott County.
 - 2) Discussion on any Zoning or Subdivision Code issues/proposed changes.



Please turn off or silence all cell phones and other electronic devices

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.



**SCOTT COUNTY
PLANNING AND ZONING COMMISSION
Tuesday, November 16, 2021
5:00 P.M.**

**MEETING MINUTES
1st Floor Board Room
600 West 4th Street
Davenport, IA 52801**

MEMBERS PRESENT: Easton Armstrong, Joan Maxwell, Steve Piatak, Lori Rochau, Carolyn Scheibe, Hans Schneklath, Kurt Steward

MEMBERS ABSENT: None

STAFF PRESENT: Chris Mathias, Planning & Development Director
Alan Sabat, Planning & Development Specialist
Bailey Van Hoe, Senior Office Assistant

OTHERS PRESENT: Joe Smith, applicant
Audrey Claussen, lighting ordinance petitioner
Supervisor John Maxwell

1. **Call to Order:** Chair Scheibe called the meeting to order at 5:17 P.M.
2. **Minutes:** Consideration of September 7, 2021 meeting minutes. **Armstrong made a motion to approve. Seconded by Schneklath. Vote: All Ayes (7-0)**
3. **Final Plat – Minor Subdivision:** Chair Scheibe introduced the request and welcomed Mathias to explain the case. Mathias presented location maps and the proposed plat, describing the configuration of the existing buildings and property lines. Mathias said the plat would correct conformance issues, in that one of the existing lots currently has two (2) dwellings instead of the one (1) allowed by the Zoning Ordinance. Mathias said the septic systems were in place for the existing dwellings and that all dwellings are on a shared well. Mathias said the plat would not alter development patterns in the vicinity and that no new access driveways were needed or proposed. Mathias also noted the City of Bettendorf had extra-jurisdictional review rights and that the plat would be considered by Bettendorf's city council. Mathias finished by saying staff would recommend approval of the proposed plat.

Chair Scheibe welcomed the applicant to respond. Joe Smith said he recently purchased the property a few years ago, and he's now attempting to deal with the nonconforming dwellings.

Chair Scheibe opened the public hearing. No members of the public spoke for or against the request.

Chair Scheibe asked the Commission for comment.

Maxwell asked whether the existing dwellings on proposed Lots 2 and 3 were rented out. **Smith** confirmed they were. **Maxwell** asked whether proposed Lot 1 would be a buildable lot. **Mathias** said a house was constructed in 2017.

Schnekloth made a motion to approve the final plat in accordance with staff's recommendation. Seconded by Armstrong. Vote: 7-0, All Ayes

4. **Final Plat – Minor Subdivision:** **Chair Scheibe** introduced the request and welcomed **Mathias** to explain the case. **Mathias** said the Commission had favorably considered a rezoning of the property from A-G to R-1 in January 2021, which created the development right for one (1) single-family dwelling. The current proposal would split the single-family dwelling with two (2) acres from the 35-acre tract (Lot 1), creating a 33-acre second lot (Lot 2). **Mathias** said Lot 2 would have a development right for one single-family dwelling, but the current intention is to further subdivide Lot 2 at a later date. **Mathias** said the Future Land Use Map showed the property as appropriate for residential development, so staff recommended approval of the proposed plat.

The applicants were not present for comment. **Chair Scheibe** opened the public hearing. No members of the public spoke for or against the request. **Chair Scheibe** welcomed the Commission to respond.

Maxwell asked for the size of proposed Lot 1, which **Mathias** said was 2.123 acres. **Mathias** also added that the plat would be reviewed by the City of Long Grove for extra-jurisdictional review.

Steward asked for clarification whether proposed Lot 2 was eligible for future subdivision after this plat is recorded, which **Mathias** said it would be given its size and R-1 zoning.

Maxwell asked whether the Board of Supervisors were able to put a limit on the number of lots or houses in a potential subdivision of proposed Lot 2. **Mathias** said that could be part of their consideration when approving or denying any proposed Final Plat.

Schnekloth asked for clarification that one additional house could be constructed on proposed Lot 2 if the plat is approved. **Mathias** confirmed.

Maxwell made a motion to approve the final plat in accordance with staff's recommendation. Seconded by **Armstrong**. Vote: 7-0, All Ayes

5. **Discussion of Lighting Regulations:** **Mathias** said other cities and counties have lighting ordinances that apply to their commercial areas. **Mathias** proposed any commercial property that has to undergo a Site Plan Review by the Commission also include a lighting plan in their application. **Mathias** said minimal lighting standards for commercial and institutional properties would make it easier for staff to deal with complaints.

Maxwell said focusing only on properties undergoing Site Plan Review would not address incremental lighting upgrades and changes on all commercial properties broadly. **Mathias** said the lighting ordinance could be a standalone item in the code, and not part of Site Plan Review.

Chair Scheibe asked Mathias if staff planned to continue research and return to the Commission with proposed Ordinance language. **Mathias** asked the Commission to clarify whether members wanted a standalone ordinance or just additional regulations for Site Plan Review. **Chair Scheibe** asked the Commission to respond.

Maxwell said it may be best to start with regulations for Site Plan Review for now. **Armstrong** agreed.

Rochau asked how staff would handle all the lighting upgrades that have taken place and will take place before the ordinance language is passed. **Mathias** said all changes before the ordinance language was adopted would be considered grandfathered.

Maxwell said there were lingering questions about which lighting elements would be allowed and prohibited, and provided the example of flickering and flashing lights: What if the flickering or flashing was a lighting maintenance issue – Is that considered “prohibited?” Maxwell also said non-Site Plan Review lighting changes or upgrades should be addressed somehow.

Chair Scheibe directed staff to continue moving forward on proposed ordinance language.

6. **Discussion of Utility-Scale Renewable Energy Regulations:** **Mathias** said he didn’t have any new information to present from Alliant Energy on their intentions for a utility-scale solar project in the County. **Mathias** said the next step would be for staff to prepare a draft ordinance.

Maxwell referenced the Alliant Energy project manager who spoke to the Commission last meeting, specifically the implication that utility-scale energy project could not locate within cities “because it limits the expansion/development of the cities where they are located.” **Maxwell** said she can see an abundance of usable space within urban areas – Especially in cities like Davenport where there are abandoned or underutilized industrial buildings, expansive parking lots, and commercial rooftops. **Maxwell** said energy companies are simply seeking the easy route, which is to build new in a tilled field. **Maxwell** said she believed enough agricultural land has already been taken out of commission in the County, and there are more creative ways to accomplish what they want to.

Armstrong said he felt that the Alliant Energy project manager had no interest in the areas of the County with CSR ratings under 60, the map of which Mathias presented at the last meeting. **Chair Scheibe** and **Maxwell** reiterated that Alliant is openly seeking a site near their existing infrastructure in the name of cost-saving. **Scheibe** said she thought it was possible for the Commission to find a restrictive ordinance using the CSR map to prohibit development in areas over 60 CSR. **Armstrong, Maxwell, and Piatak** vocalized support.

Maxwell reminded the Commission that the regulations could apply to other proposed utility-scale renewable energy projects. The Commission briefly discussed other renewable energy production means.

Chair Scheibe asked **Mathias** if staff had enough direction to move forward with drafting ordinance language, to which he said yes.

Maxwell asked how the County could direct Alliant to pursue parking lots and other areas within city limits. **Mathias** said the County didn't have authority over what cities should and should not allow within city limits.

Armstrong said more regulations addressing decommissioning utility-scale energy facilities would need to be included as well.

Chair Scheibe welcomed the public to comment, specifically and apologetically to Audrey Claussen who was in attendance for Item 5. **Claussen** stated she was appreciative that the Commission was still considering lighting regulations, and lamented that they were not in place sooner.

7. **Other Business:** **Chair Scheibe** asked **Mathias** for information on future agenda items. **Mathias** said the Commission might expect a Site Plan Review request for a commercial property in Park View. **Scheibe** notified **Mathias** that junk vehicles in the Park View-Commercial (CAD-PVC) district were accumulating.
8. **Adjournment:** **With no further comments and no other business to discuss, Chair Scheibe adjourned the meeting at 6:10 P.M.**



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Administrative Center
600 West Fourth Street
Davenport, Iowa 52801-1106

To: Planning and Zoning Commission, Zoning Board of Adjustment and Board of Supervisors

From: Chris Mathias, Planning Director

Date: January 11, 2022

Re: Update on Utility-Scale Solar Regulations in Scott County

The Planning and Zoning Commission discussed utility-scale solar at their last meeting on November 16, 2021. At that meeting, the Commission directed Staff to begin creating an ordinance that would allow utility-scale solar uses in Scott County, but would also preserve farmland by limiting these large solar sites to ag land that has a CSR2 rating lower than 60. Staff have begun crafting an ordinance and would like to have a discussion on the terms of that ordinance.

Before we dive in to those proposed terms of the new ordinance, here is a reminder of the current renewable energy regulations in the Scott County Zoning Ordinance:

Solar:

- Utility scale solar generation is not a permitted use in any zoning district in Scott County
- Solar as an accessory use is allowed.
 - These uses are treated like an accessory use in terms of how they are permitted, sited, etc. (i.e., same setbacks as a detached garage in a residential area).

Wind:

- Small wind generators (100 kw or less) are a permitted use in A-P and A-G
 - Maximum height 80 ft
 - Setbacks equal to the height of the tower including rotor and blades
- Large wind generators (>100 kw) are a special use in A-P and A-G
 - Maximum height 199 ft
 - Setbacks equal to the height of the tower including rotor and blades

On the next few pages you will find the terms and language for a proposed ordinance to allow utility-scale solar in Scott County. We will discuss this language at our meeting on January 18th.

Constructing the Code to allow Utility-Scale Solar uses in certain areas of the County.

Two Options:

- 1) Floating Zone Option, similar to Ag and Industrial floating zones currently in the Code
 - “US-F” Utility Solar Floating District
 - Rezoning request would be reviewed by the P & Z Commission and approved by the Board of Supervisors
- 2) Special Use Option
 - Could be allowed with a special use in commercial, industrial and agriculture zoning districts
 - Would be reviewed by the Board of Adjustment

P & Z discussions have led to a conclusion that utility-scale solar uses should only be allowed in commercial and industrial zones or on agriculturally zoned land that is CSR2 rated under 60. If we decided to pursue the floating zone option, the following four pages of language could be incorporated into Chapter 6.

Applying for a rezoning to the “US-F” District

In addition to the standard rezoning and building permit requirements stated in Chapter 6 of the Code of Ordinances, an application to rezone land to the “US-F” Utility Solar Floating district shall include the following:

- a. *Site plan.* Site plan shall show the location and spacing of every solar panel/array. Number, location and spacing of solar panels/arrays.
- b. *Grading plan.* This plan shall include all proposed changes to the landscape of the site (e.g., clearing, grading, topographic changes, tree removal, etc.).
- c. *Utility plan.* Planned location of all utilities, including underground or overhead electric lines.
- d. *Project timeline.* Project timeline showing how the site will be developed from beginning to end, including how the applicant will inform adjacent property owners.
- e. *Landscaping/Screening plan.* Planned location of all plants and screening.
- f. *Road Impact Analysis.* An inventory of the existing road network to be utilized for construction and maintenance of the facility and details on how the project will impact those roads over the life of the project.
- g. *Interconnection agreement.* Provide the interconnection agreement with the utility company
- h. *Operation and maintenance plan.*
- i. *Decommissioning plan.*

Site requirements

- a. *Setback.* Setbacks for all structures (including solar arrays) must adhere to the minimum principal setback standards for the zoning district where the project is located; greater setbacks may be recommended based on the application or lack of a solar access agreement. All structures shall be at least 200 ft. from any residences.
- b. *Screening.* A landscape buffer may be required to be installed and maintained. The need for screening requirements will be evaluated as part of the review by Staff and the approval process and will be based on the surroundings of the site.
- c. *Utility connections.* All utility connections serving the solar shall be placed underground unless topography, soil quality or other conditions make this unfeasible.
- e. *Glare minimization.* All solar panels must be constructed to diminish glare or reflection onto adjacent properties and adjacent roadways and must not interfere with traffic, including air traffic, or create a safety hazard.
- f. *Compliance with local, state and federal regulations.* Utility scale solar installations shall comply with applicable local, state and federal regulations.
- g. *Accessory structures.* All accessory structures shall be subject to bulk and height regulations of structures in the underlying zoning district, unless specified differently in the rezoning ordinance.
- h. *Floodplain considerations.* Utility scale solar installations are not exempt and must comply with local, state and federal flood regulations.
- i. *Signage.* No signs other than appropriate warning signs, or standard signs for operation or identification, shall be allowed.
- j. *Fencing/security.* A security fence must be installed along all exterior sides of the utility scale solar installation and be equipped with a minimum of one gate and locking mechanism on the primary access side. Security fences, gates and warning signs must be maintained in good condition until the utility scale solar installation is dismantled and removed from the site.

Avoidance and mitigation of damages to public infrastructure.

- a. *Roads.* The application shall show all roads to be used for transport during construction, operation or maintenance of the solar installation. This analysis should include a description of what type of loads will be traveling on those roads (parts, cement, equipment, etc) and also list specific weights and how those will affect the various roads in the network. Also include any weight and size permits required from the impacted road authority prior to construction.
- b. *Existing road conditions.* As part of the road impact analysis, the applicant shall conduct a preconstruction survey to identify existing road conditions. This analysis shall be in coordination with the Scott County Secondary Roads Dept and the Iowa Dept. of Transportation. The survey shall include photos and a written agreement. The applicant is responsible for on-going road

maintenance and dust control measures identified by the Scott County Engineer during all phases of construction.

- c. *Drainage system.* The applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation or maintenance of the solar installation.

Operation and maintenance plan.

The operation and maintenance plan shall include specific details on the following:

- a. *Maintenance, repair or replacement of facility.* Maintenance shall consist of, but not be limited to, repairs to structures or components, part replacement, painting, and maintenance of security measures. All applicable local, state and federal requirements should be followed when maintaining or conducting repairs to the site.
- b. *Access.* Show location of access easements. Site access shall be maintained to provide access for adequate maintenance and emergency responders.
- a. *Soil erosion and sediment control considerations.* The applicant agrees to conduct all roadwork and other site development work in compliance with a national pollutant discharge elimination system (NPDES) permit as required by the state department of natural resources and comply with requirements as detailed by local jurisdictional authorities during the plan submittal. If subject to NPDES requirements, the applicant must submit the permit for review and comment, and an erosion and sediment control plan before beginning construction. The plan must include both general "best management practices" for temporary erosion and sediment control both during and after construction and permanent drainage and erosion control measures to prevent damage to local roads or adjacent areas and to prevent sediment-laden run-off into waterways.
- b. *Stormwater management.* The plan shall include details on stormwater rate and runoff management as well as pollutant removal and flood reduction. The applicant shall include a detailed analysis of pre- and post-development stormwater runoff rates for review. Such review will incorporate appropriate stormwater management practices as required by the County Engineer, the Scott County Code of Ordinances and any State of Iowa best practices. The plan shall include detention of specified rainfall events, and infiltration components consistent with practices as detailed in the state stormwater management manual.
- c. *Ground cover and buffer areas.* Ground around and under solar arrays and in project site buffer areas shall be planted and maintained in perennial vegetated ground cover, and meet the following standards:
 - 1. Top soils shall not be removed during development, unless part of a remediation effort.
 - 2. Soils shall be planted and maintained in perennial vegetation for the full operational life of the project to prevent erosion, manage runoff and build soil. Seeds should include a mix of grasses and wildflowers native to the region of the project site that will result in a short stature prairie with a diversity of forbs or flowering plants that bloom throughout the growing season. Blooming shrubs may be used in buffer areas as appropriate for visual screening. Non-native or naturalized species may be selectively planted for maintenance purposes as part of an approved site plan.

3. Seed mixes and maintenance practices should be consistent with recommendations made by qualified natural resource professionals such as those from the department of natural resources, county soil and water conservation service, or natural resource conservation service.
 4. Plant material must not have been treated with systemic insecticides, particularly neonicotinoids.
 5. Other practices, such as small-scale farming or grazing, may be allowed in the project area as part of the conditions of approval for the project.
- d. *Cleaning chemicals and solvents.* During operation of the proposed installation, all chemicals or solvents used to clean photovoltaic panels should be low in volatile organic compounds and the operator should use recyclable or biodegradable products to the extent possible. Any on-site storage of chemicals or solvents shall be referenced.

Decommissioning and site reclamation plan.

- a. The application must include a decommissioning plan that describes the anticipated life of the utility scale solar installation; the anticipated manner in which the project will be decommissioned, including plans to recycle components; the anticipated site restoration actions; the estimated decommissioning costs in current dollars; and the method for ensuring that funds will be available for decommissioning and restoration.
- b. The applicant shall provide the basis for estimates of net costs for decommissioning the site (decommissioning costs less salvage value). The cost basis shall include a mechanism for calculating adjusted costs over the life of the project.
- c. Restoration or reclamation activities shall include, but not be limited to, the following:
 1. Restoration of the pre-construction surface grade and soil profile after removal of structures, equipment, graveled areas and access roads.
 2. Re-vegetation of restored soil areas with crops, native seed mixes, native tree species, plant species suitable to the area, consistent with the county's weed control plan.
 3. For any part of the energy project on leased property, the plan may incorporate agreements with the landowner regarding leaving access roads, fences, gates or repurposed buildings in place or regarding restoration of agricultural crops or forest resource land. Any use of remaining structures must be in conformance with the regulations in effect at that time.
- d. Following a continuous one-year period in which no electricity is generated, or if substantial action on the project is discontinued for a period of one year, the permit holder will have one year to complete decommissioning of the utility scale solar installation. Decommissioning shall be completed in accordance with the approved decommissioning plan. The land owner or tenant must notify the county when the project is discontinued.