

The Muscatine County Zoning Commission met in the Board of Supervisors Office on Friday, April 3, 2015, with Vice Chairperson Virginia Cooper and members George Alt and Dana Pittman present, Chairperson Emily Geertz and Tom Harper were absent. Steve Boka, Interim Zoning Administrator and Dixie Seitz, Office Administrator was also in attendance.

Others present for this hearing: Amber Freyermuth of Stanley, Lande & Hunter.

Virginia Cooper: I will open the public hearing regarding the Fringe Area Policy Agreement between Muscatine County and the City of Nichols. First off, I would like to ask the board members are there any changes from the minutes of the previous meeting? If not, is there a motion to approve the minutes?

George Alt: I will make the motion to approve the minutes from the last meeting.

Dana Pittman: I'll second.

Virginia Cooper: All in favor? (Ayes-3; Opposed-0; Absent-2) Today we have three members present, George, Virginia and Dana. So we would need a simple majority, a two to one vote to pass this request favorably onto the Board of Supervisors. You can either proceed with the request today or ask that it be tabled until the next meeting when we may or may not have a full board. Are we moving forward?

Amber Freyermuth: Yes.

Virginia Cooper: Okay, yes we are moving forward. Steve could you please read the request?

Steve Boka: Sure and I will go ahead and read the official statement for the commission. The Muscatine County Zoning Commission is a five member group of residents of the County who are appointed by the Muscatine County Board of Supervisors. We serve as non-professionals and without compensation. Our purpose is to advise the Muscatine County Board of Supervisors on managing the growth of the County. This involves reviewing subdivisions, rezoning requests, the use of public property, and reports related to land use policy and long range planning. Recognizing that our decisions will not satisfy everyone, we attempt to base our decisions on what is best for the long term interest of the County. We ask for your input, pro or con, on issues before us in order that we formulate the best decisions possible. Please take this opportunity to share your thoughts and concerns with us. Our recommendations are not taken lightly by the Board of Supervisors, but the Board of Supervisors, your elected representatives, make the final decisions on all issues. So the only item on the agenda for today is the public hearing and that is to discuss and possibly recommend to the Board of Supervisors approval of the proposed Nichols Fringe Area Agreement between Muscatine County and the City of Nichols. This proposed agreement will affect unincorporated parts of Muscatine County surrounding the Town of Nichols. Any interested party may attend the hearing to express their views or correspond with us in time for the hearing. For those of you that are here for the Board of Adjustment meeting, is scheduled for 10:30 and it will follow this meeting immediately. You are in the right place, if you were wondering why we were talking about something else. Okay?

Virginia Cooper: Steve, was there any correspondence?

Steve Boka: There has been no correspondence.

Virginia Cooper: And anyone attending the meeting that wishes to speak, please state your name and move forward to the podium. So do we have an applicant or a spokesperson that's going to speak today?

Steve Boka: The representative is the City Attorney for Nichols and she is here and is prepared to address any comments that you might have. I spoke with her before the meeting and she is requesting to defer to me and I will provide an overview and if there are specific questions, she could respond to those, if that is agreeable?

Virginia Cooper: Okay, that would be fine.

Steve Boka: The reason that you have this in front of you today, I know that you are somewhat confused as to what your roll would be here, but the Zoning Commission is charged with the responsibility to deal with land uses. Since this is a land usage issue and affects the zoning, it is important that it be reviewed and that you are familiar with the content of this language should there be a case where you need to wrestle with this as far as a subdivision submittal or a rezoning request. So that's why this is here today and you would need to give your recommendation to the Board of Supervisors. This goes back over a year, in fact I think the original agreement was signed in April of last year and it has kind of languished, if you will, and we are putting it back on the front burner and trying to move it along. So this agreement would simply allow the City of Nichols to extend the right of review for subdivisions, zoning, and annexations in an area that overlaps county jurisdiction. The Iowa law provides a couple of different areas that can address those particular issues and one is 354 and the other one is 28E, those are sections of the code. It sets the frame work by which this agreement can be put in place. So the language that you have before you is based on that and I think it's reasonably easy to follow, but I want to walk through very quickly and respond to questions, if you have any. Essentially three things will happen here, there will be an issue with a regard to if there is any zoning within the two mile area, and that's what this larger map shows and I will talk about that also in a minute, if there is any subdivisions within that area or if there are any requests for annexations. If you look at the two maps they have, and I think that you have some fairly large ones, these are similar to the ones that you had with your agenda and we can get extra copies if you need them. That map actually represents the two mile radius around the City of Nichols, the map with the greener area essentially shows the immediate fringe area. So you've got two maps, one actually shows the City of Nichols in the middle with the FA-1 immediately adjacent to that and then the larger area, the FA-2 represents the two mile radius around the city. So with that in mind as you are looking at the language on this, you will see that it reads that it's a mutual agreement between the City of Nichols and Muscatine County, with respect to how these issues will be processed in the future. It says that they both have land use plans and the County of Muscatine has zoning ordinances that would affect this area and the City of Nichols defers to the county in order to enforce the zoning ordinances. They are requesting that the county provides a submittal to them, if there is a zoning request within that area for their comment and reaction to that zoning. Subdivisions within that two mile would be jointly processed, in other words, the applicant that goes to the City of Nichols would also go to Muscatine County for mutual review. Now the county does have that with the City of Muscatine, we have a joint review and they both have to review it and approve it before it can be recorded. They have to show up with their documents that show that they are mutually approved. So the bottom one is annexation, and I think that the City of Nichols is only reiterating that they are only interested at this point, and generally voluntary annexation as opposed to involuntary annexation, but they do have the authority to undertake that if they want. Then it sets out how they handle the design standards for subdivisions or developments within that area. Generally speaking the FA-1 area, the green shaded area is reserved for areas that are immediately adjacent to the corporate limits of Nichols and says, this is the area that is most likely to be developed, and or annexed. It's kind of, the land use for that is more built up area, residential development, it's places that you would expect to be closer to the city for

services and those kind of things. The FA-2 area is largely agricultural and they are wanting to protect that area as much as possible for use by farms. So this helps people understand what the land use long range goals are in the City of Nichols. If approved, this would go on for twenty years and is subject for three years, unless it would be waived in writing by both governmental bodies or a review could be called by the Chair of the Board of Supervisors or by the Mayor of the City of Nichols. So it's pretty open ended. The idea is to cooperate with them fully in the event of subdivisions or a land use issue that affects that two mile radius. With that, that is a quick overview and I can respond to any question that you have and Amber is here to also respond to any questions or comments.

George Alt: I have a couple here. First of all, do you see any problems or conflict with the City of Nichols and the County if this goes through?

Steve Boka: No, staff doesn't see any particular issues here. I mean, it's nothing that can't be handled. I mean generally ours was a lot like this with the exception of FA-1, which is the area that they have identified as the area that they would like to see development in if that happens. Now keep in mind, if there was a zoning change or something happens, it still has to go through the reviews, so everyone will have the opportunity ... the neighbors of abutting property, they will all be notified and have the opportunity just like they do now. So really there's no change, it's more of a land use policy than it is a hard and fast change.

Virginia Cooper: So the FA-1 areas are the optimal to develop, but there is a possibility that FA-2 could be ... I mean they would look at doing a subdivision or something in that FA-2 area?

Steve Boka: It could happen, but it's not encouraged.

Virginia Cooper: Okay, does the language say that?

Steve Boka: It says that it's reserved for agricultural use, but it can happen, it's not disallowed.

Virginia Cooper: Right, but the language says that it is discouraged and the FA-1 is encouraged?

Steve Boka: Well if I'm not mistaken...

Amber Freyermuth: It just says that it is preferred. I don't think that there would be any objection from the city if somebody wanted to develop out there, they just don't think it would happen.

Steve Boka: Under B1, which is on the second page, it says the standards apply to unincorporated development in the fringe area, which is what we are talking about, and it says, 1. Discourage development in area which conflict with the Muscatine County/City of Nichols Land Use Plan which identifies this as agricultural. So it doesn't mean you can't have it there, it's just something that they feel would be better in the FA-1 area.

Virginia Cooper: Right, because the FA-2 is a lot of ag land.

Steve Boka: Most of the county in the unincorporated areas is zoned ag.

George Alt: So beings the FA-2 is kind of reserved for ag, is that going to block confinements?

Amber Freyermuth: I don't think that you can block confinements and this won't be able to block confinements either. If a confinement is within the City of

Nichols and within the county and it is adheres to the regulations, than they are going to get through. But I think the idea of the city is to know, and I think that's their main concern, they just want to know where those are and they just want a voice when those things do come in. But no they can't block it, they cannot block it doing anything, they can't do that.

Steve Boka: The state has preempted local governments from essentially any jurisdiction of the confinements, they are regulated through the DNR. If it meets their standards, they preempt the city and the county's authority to regulate further. There are some things that you can do, one would be to require them to be next to paved roads and those kinds of things. But you can't disallow them.

Virginia Cooper: Have the City of Nichols had a public meeting about this or there was no public impute?

Amber Freyermuth: Yes they had a public hearing where they did a resolution to allow this agreement.

Virginia Cooper: So you didn't have any negative feedback from the residents?

Amber Freyermuth: No.

George Alt: Okay, another question now from Nichols up to 160<sup>th</sup> Street along Davis, I drive Davis a lot, it's got some bad spots in it, who is going to be responsible for maintenance on that road – Nichols or the county?

Steve Boka: If it's in the corporate limits of Nichols than it will continue to be the responsibility of the city, if it is in the county, it is and will remain the responsibility of the county.

George Alt: So FA-2 is county?

Steve Boka: Yes, it is. There are no extensions of the corporate limits of Nichols that is being proposed. This is more identifying potential land use within the range area. But there is not extension of the corporate limits.

Virginia Cooper: And the agreement period of 20 years, is that negotiable? That seems like a long extended time, even with a three year review.

Steve Boka: Yeah, and I can't speak for Amber and maybe she can address that, but I think that's why there is that little statement in there that a meeting can be called by the Board of Supervisors or the City Council or City Mayor of Nichols, they can meet sooner than that. It doesn't have to wait three years. So if there is a party that does not want to continue that, they can get together and dissolve that or modify it.

Amber Freyermuth: When I was going through this ... I don't foresee that there would be a lot of issues that arise with this. So usually it's more cumbersome for people to have to get together more often and meet on something than it is to just let it go until there is a problem, than we can get back together and address it at that time. So we usually pick the longest time period so people don't have to come back ever few years and approve something that's not really changing.

Steve Boka: One example, and I think it is stated in here, would be for Nichols to approve a voluntary annexation, then there is a statement in here that bounds can be adjusted within the two mile limit. That probably would involve some discussion as well. This is not uncommon here with a lot of municipalities that are exercising their right of review within two miles. Part of that is that there are streets and other utilities extensions that they want to

make sure that are properly inline for future growth and those kinds of things for land usage.

Virginia Cooper: Is there any other discussion from anyone? If not, is there a recommendation that you would like to make?

Steve Boka: I had the opportunity to view it and discuss it briefly with Nancy Schreiber's office and we are okay with it at this point. Staff didn't see any red flags with this and we respectfully ask for your support.

Virginia Cooper: Well when the Muscatine County did the public meetings for the City of Muscatine there was some disagreement and unhappiness about some of the ag areas in the two mile radius around Muscatine. But yet those weren't expressed in the public meetings? So if you haven't had any negative expression in the public meeting...I guess... Are you prepared to vote on this at this point? Then we are being asked to make a motion to approve the Fringe Area Policy Agreement between Muscatine County and the City of Nichols that has been proposed here before us today. Do I have a motion to approve this to move onto the Board of Supervisors?

George Alt: I will make the motion that you stated there.

Virginia Cooper: Is there a second?

Dana Pittman: Second.

Virginia Cooper: Okay, all in favor please say Aye (3) Opposed (0) Absent (Geertz & Harper). The motion does pass. Thank you.

Amber Freyermuth: I thank you for your time.

MUSCATINE COUNTY ZONING COMMISSION  
By Steve Boka, Interim Zoning Administrator