

The Muscatine County Zoning Commission met in the Board of Supervisors Office on Friday, March 11, 2016, with Vice Chairperson Virginia Cooper and board members Carol Schlueter, Dana Pittman, and Tom Harper present, Emily Geertz was absent. Eric S. Furnas, Planning & Zoning Administrator and Dixie Seitz, Office Administrator was also in attendance.

Others present for this hearing: Larry Lichtenwald, Terry McFadon, and Robert Wendlandt.

Virginia Cooper: I would like to open the public hearing for the Zoning Commission. My name is Virginia Cooper, I am the vice chairman. I would like to ask the board members if there are any changes to the minutes from the previous meeting. If not, I would ask for a motion to approve the minutes.

Carol Schlueter: So moved.

Virginia Cooper: Second?

Dana Pittman: Second.

Virginia Cooper: All in favor of the motion please say Aye (4) Opposed (0) Absent (Geertz). The minutes from the last meeting have been approved. I would like to read the mission statement for the Muscatine County Zoning 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 may 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. Eric, would you want to address us on Zoning Agenda #1?

Eric Furnas: Yes and just to summarize the three items on the agenda, there's only one which I will be asking for an official recommendation for an amendment to the actually code of ordinances. The other two are kind of conceptual at this time. I just wanted to get some feedback and really just get some direction to proceed with the concept. Those would be the shooting ranges and the commercial and non-commercial wind turbine ordinances. They are just concepts that are out there and I just wanted to get some direction on proceeding. I will give you some background on those. I will start with Zoning Agenda Item #01, and this one I will be seeking an official recommendation to the board to approve this ordinance. This agenda item is to discuss and possible recommendation to amend the Muscatine County Zoning Ordinance; Subdivision Ordinance; and the Mobile Home Park and Travel Trailer Park Ordinance by adding new enforcement provisions. There are other areas in the Muscatine County Code of Ordinances that this enforcement ordinance will apply to as well, but those are the areas that the Zoning Commission has some jurisdiction over. In the memo that I sent, I think I gave you a little background on the need for this. Over the years we have found that our enforcement provisions for violating nuisances, junk accumulation are very burdensome and not efficient at all in trying to get people into compliance. Shortly after I started last July, we had several cases where we had written letters to people for three years or more trying to get compliance with zoning violations. I met with the County Attorney's Office and after checking with several other counties around the state and how they

try to do enforcement of zoning regulations, we spoke to the idea of having civil infractions or civil penalties. So say a person is notified maybe once or twice by a letter and there is no compliance whatsoever, we would issue a citation which would then... I think we are looking at provisions which are not necessarily scheduled fines, but it would set a court date in front of a magistrate in court. Then the magistrate would choose a range of fines or schedule them to clean up. It's just a quicker way to getting things done. Right now, we send a letter, send another letter... if we don't get compliance we end up sending a letter to the County Attorney's Office and copies of all of our older letters, then they start sending letters. Eventually when it gets bad enough they try to get them into court. This would be much more of a streamlined process where after due notice from our office, we can issue a citation and give them a court date in front of the magistrate. Iowa law does provide to have counties have county infractions, like municipal infractions. So I've worked on this enforcement ordinance, it's been... the ordinance itself has been approved by the County Attorney's Office, but we worked hand in hand and developed it. What I would be looking at doing and what I would be asking you folks to do is to make recommendation to the Board of Supervisors that we would repeal the individual enforcement provisions of the Zoning, Subdivision, Mobile Home and Travel Trailer Ordinances. We would amend Title I of the Muscatine County Code of Ordinances, which is our administration chapter, by adding Chapter V, an enforcement chapter. That chapter then would apply to all of those individual areas within our Zoning Ordinance, Subdivision Ordinance. There will also be some that apply to Board of Health Regulations, you know, I deal with septics and well permits, and that is not under the supervisor of the Zoning Commission but the enforcement provision will give us the same tool for all county code of ordinances, roads, enforcement issues for no parking, or you know where the Secondary Roads Department has issues getting compliance sometimes as well. So what I am asking for you guys to do is take a look at that ordinance and make a recommendation that we repeal the individual enforcement provisions and adopt Chapter V, Title I the Administration Ordinance.

Tom Harper: So the only place in the Zoning Ordinance right now where there is any enforcement is in the mobile homes?

Eric Furnas: No, every chapter has a little enforcement, it's a clause at the end of it where it describes and some of them are a little different. We just want to ...

Tom Harper: So we would specifically repeal that one?

Eric Furnas: We would repeal the enforcement provisions of the Zoning Ordinance, the Subdivision Ordinance and the Mobile Home and Travel Trailer Ordinance and add the enforcement ordinance under administrator. It will appeal to all of those ordinances. It's just the enforcement provisions that will appeal to the entire Muscatine County Code of Ordinances. But your official recommendation would be to repeal the enforcement provisions of those three ordinances and adopt Chapter V into Title I Administration, and that would be sufficient for the Board of Supervisors.

Carol Schlueter: Okay, so this enforcement ordinance that we have, is this something that you wrote up or you got it from another county or what?

Eric Furnas: Most of the provision came from the enforcement ordinance at Linn County. I got several enforcement provisions from several different counties. We have been working on this since probably September. I went to the County Attorney's Office and he liked Linn County's model. So we went through it, changed a few things, inserted Muscatine County's name. Linn County has used it and has success, it's simple. But he wanted the Zoning Commission to recommend approval as it would apply to the Zoning

Ordinance; Subdivision Ordinance and the Mobile Home and Travel Ordinance.

Carol Schlueter: And you said the County Attorney does approve this?

Eric Furnas: Yes they did most of the writing on it, they did minor changes to it.

Carol Schlueter: Yeah, I read it over. I think it's very thorough.

Virginia Cooper: The only thing that I see highlighted is the schedule of fines and fees to be adopted and amended as appropriate.

Eric Furnas: Yes and I think this needs to be worked out. They didn't change that but last time I talked with Alan, he was still on the fence. He didn't think he was going to adopt an actual schedule of fines, but maybe just a simple range and let the magistrate set the fines. None of these are going to be scheduled violations, and I think that part will probably be changed. But I mean, it's a minor detail. We would just list a range, say \$100 to \$750 and the magistrate would be in charge of assessing the fine based on the circumstance.

Virginia Cooper: Okay. Is there any further discussion on this?

Dana Pittman: No, I think it's good.

Carol Schlueter: I think it's a good idea.

Virginia Cooper: Do I need to call for public discussion?

Eric Furnas: If you would like.

Virginia Cooper: Okay, is there any public discussion on this issue? Not hearing any further discussion, I would like to have a motion to repeal the individual enforcement provision of the three ordinances and adopt the recommended proposed changes and adding the enforcement ordinance to the Muscatine County Zoning Ordinance; Subdivision Ordinance; and Mobile Home Park & Travel Trailer Park Ordinance. All those in favor?

Tom Harper: We need a motion first.

Virginia Cooper: Oh, I'm sorry. Is there a motion to recommend to the Board of Supervisors?

Tom Harper: I will make a motion that we recommend to the Board of Supervisors to repeal the enforcement provisions of the three stated existing ordinances and adopt under the Administrative Section, Chapter V, to enable the enforcement ordinance.

Virginia Cooper: Is there a second?

Dana Pittman: I'll second.

Virginia Cooper: All in favor please say Aye (4) Opposed (0) Absent (Geertz). Okay, we will move on.

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By Eric S. Furnas, Planning & Zoning Administrator

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Virginia Cooper: Okay, we will move onto the next item. Eric, can you read that please?

Eric Furnas: Zoning Agenda Item #02. Discussion and possible recommendation to amend the Muscatine County Code of Ordinances by adding Wind Energy Conversion Systems as a Special Permitted Use in certain Zoning Districts. This ordinance would affect all unincorporated parts of Muscatine County. This is really just more of a discussion and if you would just give me direction to continue development of an ordinance that would pertain to wind energy conversion systems. We do not have a lot of demand for commercial turbines. You know in the past I think they have ruled out Muscatine County because we don't have the weather conditions to support them. However, it appears that technology is changing. These turbines are getting more efficient and there is one town in Muscatine County, the City of West Liberty that is working with a developer. They are doing a feasibility study on the possible erection of some commercial wind turbines that would supplement the municipal power supply in West Liberty. Our Zoning Ordinance does not current address commercial wind turbines.

Dana Pittman: The one on Van Meter's property is not commercial?

Eric Furnas: It's not counted as commercial. In the past we have had a handful of private wind turbines that would be allowed under an accessory structure. Say if you had a private residence and you wanted to put one up to supplement yours, we have allowed those under accessory uses. However we don't have a lot of standards for construction, setbacks... and I think we are only going to see those continue to slightly increase. So we felt that it was a proper time to develop some standards for both private and commercial wind turbines, since we've got interest in commercial wind turbines. So I've been working, and again, researching other counties. Some counties have been doing this for some time now, major wind farms, some don't. So I've got some draft language that I think is pretty comprehensive. It defines the different concepts, the different parts. It breaks down commercial wind turbines and private or non-commercial wind turbines, as they are called. There are specifications for lighting, there are specifications provided by FAA regulations, there are setbacks provisions, construction standards. One of the parts that we worked on, and I think is going to be real important is requiring the developer for any commercial wind energy systems to post bonds and document the existing conditions of the county roads and infrastructure, because some of this equipment is very heavy. They would be responsible if they do damage to the county roads, they would have to bring them back up. We see that as agricultural continues to grow with some of the semis and tankers that haul for hog confinements that we have no control over. This would be an area that we do have control over. So they wouldn't be given free run just to start building wind farms. There are a lot of provisions in here, such as electrical components, prohibition against advertising signs, they would only be allowed to have their company name on just the storage unit they can't sell advertising space.

Virginia Cooper: This is real similar to the updates that we just did to the radio tower, I mean not... it's the same concept.

Eric Furnas: Yeah, but this is specific to wind turbines. We've had provisions for radio towers, cell towers, however this really addresses the wind turbines and they do need a separate category. They are a separate beast, for lack of a better term. They are very different than radio or cell towers. There are provisions in there for noise limitation that they are allowed to make. So at this point I am just asking to proceed and to continue the development of this type of ordinance, because we do interest out there from a company that is exploring the viability of this type of project for the City of West Liberty. This is not approving that project this is simply a way for us to develop an ordinance should we ever get an official request for commercial wind turbines.

Tom Harper: Yeah, I think you are on the right track in trying to get ahead of it before... I mean, as it stands right now I don't think that Muscatine County has enough wind to support commercial farms, but that could change. Where did our tower one go? Did that languish?

Dixie Seitz: Well I think it was when Jodee was here and Steve Boka came in and decided that we really didn't need one. It was before Eric.

Tom Harper: Oh I see.

Virginia Cooper: So you don't need a motion on this?

Eric Furnas: No, I just want a consensus on whether you want me to continue to work on this or not.

Tom Harper: Yeah, like you said it is comprehensive and I think it's a good thing.

Carol Schlueter: Yeah, I think you should.

Dana Pittman: Yes, I think it's a good idea.

Eric Furnas: Okay, I will continue on this.

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