

PLANNING & DEVELOPMENT

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Timothy Huey
Director

To: Planning & Zoning Commission

From: Timothy Huey, Planning & Development Director

Date: January 15, 2021

Re: Recommendation for approval of proposed revisions to the Scott County Subdivision Regulations following the Public Hearing.

The current review of the Subdivision Ordinance was initiated by Planning Staff at the request of the County Engineer in mid-2018. The County Engineer recommended that the regulations be amended to clarify:

1. That the current edition of SUDAS was the road design and construction standards required for County subdivision roads. Actually SUDAS was adopted by Scott County in 2011 but the road design and construction standards that were in the subdivision regulations had never been deleted which led to some confusion as to which standards to use.
2. That the Subdivision Ordinance clearly state that all new subdivision roads (except for those in the original Park View CAD) be maintained by a legal entity such as an HOA or road association. And that new subdivision roads would not be accepted onto the County Secondary Road System.

At the same time planning staff recommended the Commission conduct a complete review of the ordinance to update or amend certain sections. In previous memos the following summary of those changes has been provided.

Definitions: The amended definitions of dedication, road & street right of way, and the added definition of road easement, road right of way, and both public & private roads are intended to clarify that dedication of rights or way, access easements or roadways does not require or imply acceptance of such roads or streets onto the County Secondary Road System. These definition changes are also intended to clarify the difference between road right of way and road easement and the ownership of each and that both are acceptable for access to and within new subdivisions.

Submittal of Plats of Survey and Subdivision Plats: This section is recommended to be amended to require the electronic submittal of such documents, which has been the current practice of staff and has become more common over recent years. The amendments are also to make consistent the number and type of paper copies of plats that need to be submitted with the electronic version.

Approval of Preliminary and Final Plat: Currently the Ordinance requires 4/5's vote of the Board of Supervisors to approve a Preliminary or Final Plat for which the Planning Commission had recommended denial. The current draft recommends that a similar provision be added for the Board of Supervisors to deny a Preliminary or Final Plat for which the Planning Commission had recommended approval.

Erosion and Sediment Control Plans: Because such plans really need to be prepared in conjunction with the road and other infrastructure construction plans it has been the practice of staff to waive the requirement that the erosion plans be submitted prior to preliminary plat approval but rather require they be submitted with the construction plans following preliminary plat approval. Also the Soil Conservation District has notified Scott County that they are no longer able to review such plans as required by the

current ordinance. However the Iowa DNR requires an erosion control/grading permit for all projects greater than an acre in size. Standards for such State permits are as strict as or even stricter than County standards. Therefore staff is recommending that the previous reference to the Soil Conservation District review be replaced by a requirement that documentation of the issuance of a State erosion control/grading permit be submitted in conjunction with the erosion control and construction plans.

Standards for Design and Development: Much of this language was moved from the Appendix to this section of the ordinance for clarification and to eliminate redundant requirements. This section is also intended to clarify how the requirements of SUDAS are determined and applied. It lists minimum right of way/road easement widths for residential subdivisions, it identifies the standards for road drainage for both surface drainage and storm sewers. It clearly states that all new subdivision roads must meet SUDAS but will be private with suitable provisions for maintenance. Maintenance of such private roads shall be provided through a homeowners association, deed covenants, or through other legal mechanisms as approved by the Board of Supervisors. This section **does** create an exception for the remaining portions of Park View which are yet to be developed and as those remaining portions are completed, those roads would be put on the County Secondary Road System, as is the rest of Park View streets are.

Character of Development and Easements along Streams: These two sections are recommended to be deleted. They have never been necessary to apply and are essentially addressed elsewhere in the subdivision process.

Ag Nuisance Waiver: This is a provision the Planning Commission has previously, at its discretion, required for many subdivisions over the last 25+ years.

Bonding for Required Improvements: The changes to this section are intended to clarify and delineate that even though subdivision roads will not be accepted onto the County Secondary Road System they are still required to fully meet County road standards and that their construction be secured with a performance bond or other financial surety if the improvements are not completed at the time of Final Plat approval.

Fees: Similar what was done with the re-write of the Zoning Ordinance this amends the ordinance to remove the fee amount from the ordinance and has such fees established by resolution of the Board of Supervisors.

Appendix I: The proposed deletions are for sections that were either moved up into the main body of the Ordinance or are addressed by SUDAS and are therefore redundant to have in the Appendix.

During the course of this review staff believes we have incorporated and addressed most of the concerns, comments or corrections the Commission has brought up. The only significant issue that remains unresolved is how the matter of subdivision road maintenance responsibilities will be addressed. The regulations make clear that the design standards for all roads will be those in the current edition of SUDAS but the Commission appeared to be divided on whether new subdivision roads systems should be added to the county secondary road system or be required to have subdivision roads maintained by a HOA or road association.

Following the Public Hearing staff would recommend the following two alternatives for addressing the issue of road maintenance during the subdivision review process:

Recommend approval of the Revised Subdivision Ordinance with the following changes:

1. Amend Section 9-13 PRELIMINARY PLAT SUBMITTAL (9) to add that the developer include the manner and entity to be responsible for road maintenance and reconstruction following Final Plat approval;

2. Amend Section 9-14 PRELIMINARY PLAT REVIEW AND APPROVAL D. to add that any recommendation to approve a Preliminary Plat shall include the manner and entity to be responsible for road maintenance and reconstruction following Final Plat approval;
3. Amend Section 9-15 FINAL PLAT SUBMITTAL (7) to add the manner and entity to be responsible for road maintenance and reconstruction;
4. Amend Section 9-16 FINAL PLAT REVIEW AND APPROVAL F.(8) to add The developers' statement of the manner and entity to be responsible for road maintenance and reconstruction;
5. Amend Section 9-17 STANDARDS FOR DESIGN AND DEVELOPMENT C.(6) to read Streets and roadways will be built to design standards and specifications established by the current edition of SUDAS.

These proposed changes to the current revised draft are intended leave open the possibility of the County accepting new subdivision roads and to establish whether the roads will be public and maintained by the County or private and maintained by an HOA or road association from the initial submittal of a Preliminary Plat. The discretion of the Board of Supervisors to approve or deny the acceptance of the roads by the County would remain and the authority of the County Engineer to deny acceptance would also remain. These changes would allow the issue of road maintenance to be addressed and established at the very start of the subdivision review process.

The second alternative would be for the Planning Commission to recommend approval of the Revised Subdivision Ordinance as submitted. This would leave in place the statement in Section 9-17 *As of the adoption date of this ordinance, all new subdivision roads, with the exception of new subdivisions in the Community Area Development of Park View, shall be privately maintained roads and suitable provisions for maintenance and upkeep of such private roads shall be provided through homeowners association, deed covenants, or through other legal mechanisms as approved by the Board of Supervisors.*