



PLANNING & ZONING COMMISSION

STAFF REPORT

March 11th, 2022



Applicant: Tom Faulhaber

Request: Final Plat of “Faulhaber’s Second Addition”

Legal Description: A replat of Lot 1, Faulhaber’s First Addition, part of the SW ¼ of fractional Section 14 and part of the SE ¼ of Section 15, in LeClaire Township (Parcel ID#: 951539101).

General Location: 23347 277th Street

Zoning: Single Family Residential (R-1)

Surrounding Zoning:

- North:** Agricultural-General (A-G)
- South:** Single-Family Residential (R-1)
- East:** Agricultural-General (A-G)
- West:** Agricultural-Preservation (A-P)

GENERAL COMMENTS: This request is for approval of a Final Plat of a 2-lot minor subdivision of an approximately 14.58-acre tract, more or less, at 23347 277th Street in LeClaire Township. The proposed subdivision would consist of Lot 1, an 11.75 acre lot with an existing single-family home, and Lot 2, a 2.83 acre lot which would have a single family home in the future, if approved.

STAFF REVIEW: Staff has reviewed this request for compliance with the requirements of the Subdivision Regulations and Zoning Ordinances for Final Plat approval. This subdivision is classified as a minor plat because it creates less than five (5) lots and would not involve the extension of any new streets or other public services.

Zoning, Land Use, and Lot Layout

The proposed Plat would subdivide the approximately 14.58-acre tract that is currently zoned R-1 into two (2) lots. There is already a single-family home on Lot 1. The applicant would like family to build a home close to their existing home. They are proposing to create Lot 2 for this purpose. Lot 2 would be a 2.83-acre lot and this subdivision would create a development right to construct a single-family home on said Lot 2.

Directly to the east of this property is Olathea Creek Vineyard and Winery, an ag-tourism use. The winery is accessed from Great River Road to the east. To the north of the subject property is untilled agricultural land. Adjacent to the south is a single family residence and tilled farmland. Across the street to the west we have a similar mix of a few single family residences and tilled ag-land.

Access and Roadway Improvements

Currently, the existing single-family home on the subject property has access off of 277th Avenue. The applicant plans for the proposed Lot 2 to share a driveway with Lot 1. Not only is it difficult with the topography to construct a second driveway, but it is also against County policy to have another driveway here. Scott County requires a 30 feet minimum difference between each driveway. In addition, a 6:1 slope is required on the sides of the driveways. The County only



PLANNING & ZONING COMMISSION

STAFF REPORT

March 11th, 2022



allows shared driveways with an approved access easement. The applicant has added an access easement to the plat to allow shared access and maintenance of the driveway which will serve both Lot 1 and Lot 2. Secondary Roads has reviewed this proposal and approves.

Stormwater Management

This proposal does not include any new roadways and is only a two lot subdivision, so staff would not see any need for a storm water management plan.

Erosion and Sediment Control Plan

Erosion Control Plans are typically submitted and reviewed by the County Engineer in conjunction with the road construction plans. Since this proposal does not include any new roadways, an Erosion Control Plan is not required.

Wastewater Disposal and Water Provision

This proposal was sent to the County Health Department for its review. The Health Department stated that there should be no issues as long as there is no extensive dirt work on the parcel.

City of Princeton Review

This property is within two miles of the Princeton city limits. Therefore, review and approval of the Final Plat by the City of Princeton is required. At this time, staff has notified the City of the Final Plat submittal but has not received formal approval/consent. The Plat will not be forwarded to the Board of Supervisors for its consideration until formal approval/consent is received.

Others Notified

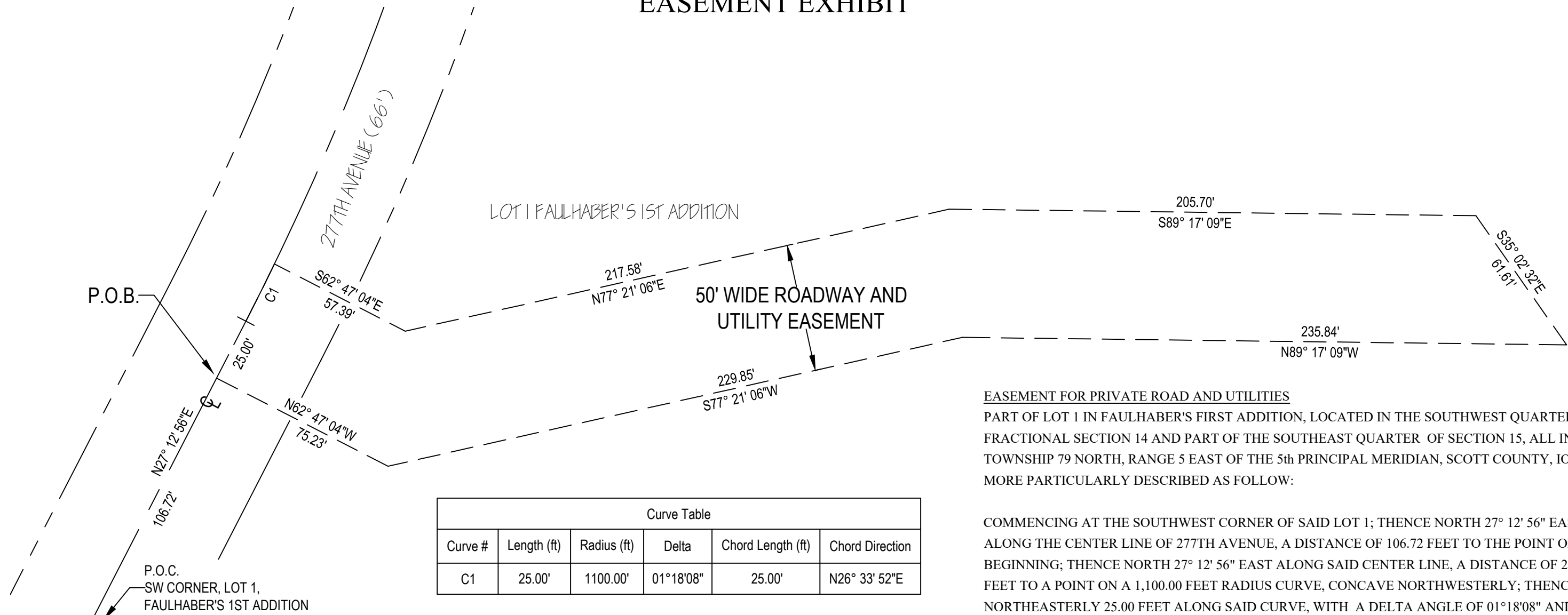
The Subdivision Ordinance requires additional notification of the following County Departments and local entities: Assessor, Auditor, and District Soil Conservationist Staff. Those entities did not have any comments at this time. Staff also notified adjacent property owners within five hundred feet (500') of the public hearing before the Planning Commission.

RECOMMENDATION: Staff recommends that the Final Plat of Faulhaber's Second Addition be approved with the following conditions:

1. The City of Princeton approve the Final Plat before Board of Supervisors approval/denial.

Submitted by:
Christopher Mathias, Director
March 11, 2022

EASEMENT EXHIBIT

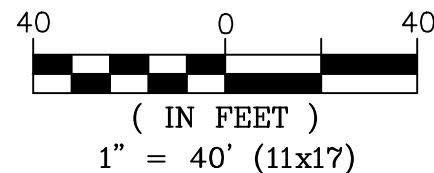
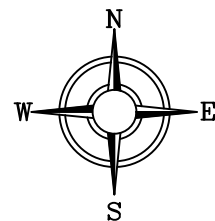


EASEMENT FOR PRIVATE ROAD AND UTILITIES

PART OF LOT 1 IN FAULHABER'S FIRST ADDITION, LOCATED IN THE SOUTHWEST QUARTER OF FRACTIONAL SECTION 14 AND PART OF THE SOUTHEAST QUARTER OF SECTION 15, ALL IN TOWNSHIP 79 NORTH, RANGE 5 EAST OF THE 5th PRINCIPAL MERIDIAN, SCOTT COUNTY, IOWA MORE PARTICULARLY DESCRIBED AS FOLLOW:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 27° 12' 56" EAST ALONG THE CENTER LINE OF 277TH AVENUE, A DISTANCE OF 106.72 FEET TO THE POINT OF BEGINNING; THENCE NORTH 27° 12' 56" EAST ALONG SAID CENTER LINE, A DISTANCE OF 25.00 FEET TO A POINT ON A 1,100.00 FEET RADIUS CURVE, CONCAVE NORTHWESTERLY; THENCE NORTHEASTERLY 25.00 FEET ALONG SAID CURVE, WITH A DELTA ANGLE OF 01°18'08" AND A 25.00 FEET CHORD THAT BEARS NORTH 26° 33' 52" EAST; THENCE SOUTH 62° 47' 04" EAST, A DISTANCE OF 57.39 FEET; THENCE NORTH 77° 21' 06" EAST, A DISTANCE OF 217.58 FEET; THENCE SOUTH 89° 17' 09" EAST, A DISTANCE OF 205.70 FEET; THENCE SOUTH 35° 02' 32" EAST, A DISTANCE OF 61.61 FEET; THENCE NORTH 89° 17' 09" WEST, A DISTANCE OF 235.84 FEET; THENCE SOUTH 77° 21' 06" WEST, A DISTANCE OF 229.85 FEET; THENCE NORTH 62° 47' 04" WEST, A DISTANCE OF 75.23 FEET TO THE POINT OF BEGINNING.

- LEGEND:**
- DEED DIMENSION = (0.00')
 - FIELD DIMENSION = 0.00'
 - MONUMENTS FOUND #5 REBAR W/ YELLOW CAP 23503 = ●
 - CHISELED "X" = X
 - MONUMENTS SET: #5 REBAR W/ YELLOW CAP #23503 = ○
 - BOUNDARY LINE = ————
 - ROAD CENTER LINE = ————
 - EASEMENT LINE = - - - - -
 - SETBACK LINE =
 - SECTION LINE = — + — + — + —



THE MEASURED BEARINGS SHOWN HEREON ARE BASED ON THE IOWA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (1402) GEOID 12A, NAD 83 (2011) EPOCH 2010.00.

MICHAEL D. RICHMOND
Iowa License Number: 23503

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Iowa.

My License renewal date is December 31, 2023.
Page or sheets covered by this seal: 1



DATE:
3/4/2022

563 386.4236 office 386.4231 fax
2224 East 12th Street, Davenport, IA 52803

DRAWN BY: KLC
CHECKED BY: MDR

DRAWING LOCATION
S: \FAULHABER

NO.	REVISIONS: DESCRIPTION	DATE

PROJECT
EASEMENT EXHIBIT
FAULHABER 1ST ADDITION
SCOTT COUNTY, IOWA

PREPARED FOR
TOM FAULHABER
23347 277TH AVENUE
LeCLAIRE, IOWA 52753

SHEET NO.
1
OF
1

From: [McClurg, Jan - NRCS-CD, Davenport, IA](#)
To: [Mathias, Christopher \(Chris\)](#)
Subject: [External Email] RE: [External Email]notice of subdivision
Date: Wednesday, February 23, 2022 9:35:26 AM
Attachments: [image001.png](#)

CAUTION: This email originated from outside of Scott County! Do not click links, open attachments or reply, unless you recognize the sender's email address and know the content is safe!

Chris, I shared your email with Jennifer Turner, NRCS District Conservationist for Scott County. We have no concerns or questions on the notice of subdivision for Tom Faulhaber. Thank you.

Jan McClurg

Conservation Assistant



Scott County Soil & Water Conservation District
8370 Hillandale Rd
Davenport IA 52806
563.391.1403 x3
jan.mcclurg@ia.nacdnet.net

From: Mathias, Christopher (Chris) <Chris.Mathias@scottcountyiowa.gov>
Sent: Tuesday, February 22, 2022 9:26 AM
To: McClurg, Jan - NRCS-CD, Davenport, IA <Jan.McClurg@ia.nacdnet.net>
Subject: [External Email]notice of subdivision

[External Email]

If this message comes from an **unexpected sender** or references a **vague/unexpected topic**;

Use caution before clicking links or opening attachments.

Please send any concerns or suspicious messages to: Spam.Abuse@usda.gov

Hi Jan,

We received this simple two lot subdivision from Tom Faulhaber. This is north of LeClaire. I attached the plat and the notice that went to the North Scott Press. Let me know if you have any concerns or questions.

Christopher J. Mathias, AICP

Director, Scott County Planning & Development

P: 563 326-8212

E: chris.mathias@scottcountyiowa.gov

A: 600 W. 4th St., Davenport, IA 52801

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

From: [Hoskins, Jack](#)
To: [Mathias, Christopher \(Chris\)](#)
Subject: RE: [External Email] Faulhaber
Date: Wednesday, February 23, 2022 8:32:58 AM

Chris

Not knowing the purpose of the split, I am going to assume it will be for a single family, residential home. If this is the case, there should be no issues as long as there is no extensive dirt work on the parcel. Let me know if you have any other questions.

Jack

Jack Hoskins
Environmental Health Specialist
600 W 4th St
Davenport, IA 52801

Office: (563)326-8618 xt 8813

Fax: (563)326-8774

jack.hoskins@scottcountyiowa.gov | www.scottcountyiowa.gov/health

The information in this message is PRIVILEGED and CONFIDENTIAL INFORMATION intended only for the review and use of the individual or entity named above. If the reader of this message is not the intended recipient or employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify the sender.

From: Mathias, Christopher (Chris) <Chris.Mathias@scottcountyiowa.gov>
Sent: Tuesday, February 22, 2022 8:40 AM
To: Kersten, Angela <Angela.Kersten@scottcountyiowa.gov>; Hoskins, Jack <Jack.Hoskins@scottcountyiowa.gov>
Subject: FW: [External Email] Faulhaber

I have this simple two lot subdivision going to P & Z next week. See any issues?

From: Kevin Cox <kevin@townsendengineering.net>
Sent: Tuesday, January 25, 2022 2:36 PM
To: Mathias, Christopher (Chris) <Chris.Mathias@scottcountyiowa.gov>
Subject: [External Email] Faulhaber

CAUTION: This email originated from outside of Scott County! Do not click links, open attachments or reply, unless you recognize the sender's email address and know the content is safe!

Attached is the revised Subdivision. Tom thought it was a good idea just to remove the easement completely. It will be up to is attorney to write an easement into the deed when the Lot is

conveyed. Do you want revised hardcopies delivered?

Kevin Cox

Townsend Engineering

(563) 386-4236

2224 E. 12th Street

Davenport, IA 52803

kevin@Townsendengineering.net



**SCOTT COUNTY
PLANNING AND ZONING COMMISSION
Tuesday, January 18, 2022
5:00 P.M.**

MEETING MINUTES

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

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

MEMBERS ABSENT: Easton Armstrong

Zoning Board of Adjustment

MEMBERS PRESENT: Heather Jordahl, Whitney Kylo, Mary Beth Madden, Myron Scheibe

MEMBERS ABSENT: Tom Dittmer

Board of Supervisors

MEMBERS PRESENT: Ken Beck, Ken Croken, Brinson Kinzer, Tony Knobbe, John Maxwell*

STAFF PRESENT: Chris Mathias, Planning & Development Director
Alan Sabat, Planning & Development Specialist
Bailey Van Hoe, Senior Office Assistant
Mahesh Sharma, County Administrator*
David Farmer, Budget & Administrative Services Director*
Mary Thee, Assistant County Administrator*

OTHERS PRESENT: One (1) member of the press

**Some members and staff participated virtually.*

1. **Call to Order:** Chair Scheibe called the meeting to order at 5:00 P.M.
2. **Minutes:** Consideration of November 16, 2021 meeting minutes. **Piatak made a motion to approve. Seconded by Rochau. Vote: All Ayes (6-0)**

3. **Joint Meeting: Mathias** said there continues to be interest in locating a utility-scale solar operation in or near Scott County, and explained that the current Zoning Ordinance and Comprehensive Plan addressed renewable energy, but the regulations within the Ordinance address only residential-scale wind and solar energy. **Mathias** said since the Comprehensive Plan contains both an objective to plan for renewable energy and an objective to preserve productive agricultural land, the County would need to consider the impacts allowing and expanding renewable energy operations would have on the objective to preserve agricultural land.

Mathias presented a Corn Suitability Rating (CSR) map of Scott County, which shows high ratings (60+) across the majority of the County, and the Zoning map, which shows the almost the entirety of the highly-rated land within the Agricultural-Preservation (A-P) Zoning district. **Mathias** then showed a CSR map highlighting only the areas with CSR ratings under 60, proposing that perhaps the County could consider limiting utility-scale renewable energy uses to only those areas. **Mathias** finished by saying he envisioned either implementing a new “Floating zone” district in the Ordinance that could regulate utility-scale renewable energy uses (which would be preferred), or creating a new Special Use Permit option for proposed projects.

John Maxwell asked why the proposed threshold was 60 CSR. **Knobbe** said it was, historically, the dividing line between A-P and Agricultural-General (A-G) zones. **John Maxwell** said he felt 60 seemed pretty high and suggested 50 CSR instead. **Joan Maxwell** asked if slope could also be a standard to limit loss of “flat black.” **Mathias** said the utility company approaching the County has been pretty clear that it is only interested in a flat site.

John Maxwell reiterated that the utility company’s stated interest is to be near existing grid infrastructure, which **Chair Scheibe** and **Steward** agreed was not a good enough standard for site selection. **Beck** pointed out most of the sites near existing substations would be zoned A-P.

Knobbe asked what was known about the decommissioning process. **Mathias** said the representative from Alliant who attended the September 7, 2021 Commission meeting couldn’t forecast how that process would unfold, which he acknowledged was a concern.

Jordahl asked whether there was a minimum amount of land Alliant was seeking for the project. **Mathias** said other existing projects were at minimum 800-1,000 acres. **Jordahl** said at that scale, she would want more information about decommissioning before moving forward.

Joan Maxwell took issue with a point the Alliant representative made at the September 7th meeting: that they wanted to locate somewhere that wouldn’t be “limiting development in established cities.” **Maxwell** said the proposed site to the west of Davenport *would*, in fact, limit development for the established city of Davenport.

Croken said he believed the County should engage with Alliant more so there weren’t any assumptions about what their positions were.

Myron Scheibe said if it were made part of a development agreement, the County may be forced to decommission the site on its own.

Kinzer said he understood the balancing act between helping the consumer and protecting agricultural land, and expressed interest in lowering the CSR threshold.

Kyllo asked whether the goal was to attract or repel utility-scale projects. **Mathias** said that was the challenge presented in the Comprehensive Plan: we're trying to plan for renewable energy while also preserving farmland.

Chair Scheibe said the first priority of the Comprehensive Plan is to preserve agricultural land.

Croken said we have the best soil on the planet and it was crucial to preserve it, but that coping with climate change is a very urgent motivation for trying to open the County to renewable energy projects. **Chair Scheibe** responded that the production of solar panels themselves is not environmentally friendly and that there were many urban locations for siting them such as above parking lots. **Croken** responded that he wanted to do what he could for his grandkids and the County's policies have to show that they were trying.

Beck said it's clear everyone's top priority is agricultural preservation. But if the County is going to tell utility companies where they *can't* locate, it also has to tell them where they *can*. Then it's up to the companies to tell the County they're not interested instead of the other way around.

Knobbe said he agreed, and that he wanted the regulations regarding how the CSR ratings are calculated to be very clear.

Kyllo said she found utility-scale solar projects in southern Minnesota unsightly and would rather see hog barns.

Joan Maxwell reminded staff that there were other renewable energy production options to address besides solar.

Mathias said he intended to further investigate the parcels highlighted in the "under 60 CSR" map to see what they actually looked like in terms of CSR rating distribution and topography, and also to reengage with Alliant to see how feasible a project would be within those areas.

4. **Other Business:** **Joan Maxwell** said she felt the existing minimum lot size standards were not realistic for accommodating modern septic systems. **Joan Maxwell** also said the site clearing process undergone during development was leading to too much soil loss. **Knobbe** said of the latter that losses would be very difficult to measure and even more difficult to enforce.
5. **Adjournment:** With no further public comments and no other business to discuss, Chair Scheibe adjourned the meeting at 5:55 P.M.