

PLANNING & DEVELOPMENT

500 West Fourth Street

Davenport, Iowa 52801-1106

E-mail: planning@scottcountyiowa.com

Office: (563) 326-8643

Fax: (563) 326-8257



Timothy Huey
Director

To: C. Ray Wierson, County Administrator

From: Timothy Huey, Planning Director

Date: June 4, 2008

Re: Public Hearing on Planning Commission's recommendation to approve proposed Subdivision Ordinance text amendments.

The Planning Commission unanimously recommended approval of the proposed Subdivision Ordinance text amendments in accordance with the implementation strategies included in the recently adopted Comprehensive Plan. Attached is the text of the proposed changes for which a public hearing has been set for June 12, 2008. The existing ordinance language that is proposed to remain unchanged is shown as normal text, the text to be omitted is shown as ~~strikethrough~~ and the text to be added is shown as underlined.

The proposed changes to the Subdivision Ordinance are summarized as follows:

Subdivisions with a Single Entrance: Amendment proposed would not change the maximum number of lots allowed in a subdivision with a single entrance at 30 when the design of the streets was such that the development would never have additional access, however when streets within a new subdivision are extended to the boundary of adjoining undeveloped property to allow for future connection and additional access; the maximum number of lots would be no more than 50 lots until such time as a second access is provided. The maximum length of a cul de sac would remain 1,320 feet when measured from the center of the cul de sac turn around to the centerline of the intersection with the closest street.

Sanitary Sewers: Amend the requirement to provide common wastewater treatment facilities in subdivisions with 30 or more lots when the median lot size is less than an acre. If 90% or more of the lots are greater than an acre in subdivisions containing more than 30 lots individual septic systems or sand filters may be approved. Other provisions staff is recommending when on-site systems are proposed for a subdivision but that do not require ordinance amendments are:

1. Submittal of complete and accurate soils information.
2. Have proposed septic field locations shown on the Preliminary Plat.
3. Submittal of Grading Plans that show areas for septic systems remain undisturbed as much as possible. If 25% or more of the lots within a subdivision have sand filters the homeowners association be responsible for annual testing and compliance.
4. Following Preliminary Plat approval but prior to construction of roads and other subdivision improvements, have Planning and Health Department approve construction plans in addition to the County Engineer.

Storm Water Management: Require detention of the 100 year event and have homeowners association responsible for maintenance of common drainage facilities.

Water Systems: Subdivisions containing 15 or more lots that are located within ½ mile of a public water utility shall extend water service from such utility when determined to be feasible.

Perimeter Fences: Amend language on the requirement for perimeter fences to coincide with State Fence Law to require either a lawful fence or a tight fence, as determined by the Board and to clarify that the installation of the fence is at the developer's expense but that maintenance costs would be shared between the homeowners association and the agricultural land owner.

Reference to SUDAS: Amend sections of the ordinance regarding required improvements and design specifications for those improvements to reference the current Statewide Urban Design and Specifications (SUDAS) Manual and current Iowa Department of Transportation specifications.

SCOTT COUNTY ORDINANCE NO. 08-_____

AN ORDINANCE TO AMEND CERTAIN PROVISIONS AND SECTIONS CHAPTER 9,
THE SUBDIVISION ORDINANCE OF THE SCOTT COUNTY CODE.

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF SCOTT COUNTY
IOWA:

Section 1. Amend Section 9-17.C. Street

To read as follows:

- (3) Subdivisions with only one access shall not contain over thirty (30) residential lots unless streets within such subdivision are extended to the boundary of adjoining undeveloped property to allow for future connection and additional access; in which case such subdivision shall not contain more than fifty (50) residential lots until such time as a second access is provided. Cul-de-sacs or dead end streets designed to be permanently closed shall not be more than thirteen hundred twenty feet (1,320') in length, when measured from centerline of the nearest intersecting street and the center radius of cul de sac turn around. All dead-end streets shall terminate in a circular right-of-way or cul-de-sac with a minimum easement or right of way diameter of one hundred (100) feet or other equally suitable provision for vehicular turning space. When a street is to be terminated at the boundary of the subdivision temporarily, until adjacent land is to be subdivided, a temporary circular right-of-way or cul-de-sac shall be provided. The surfacing required for such a temporary circular right-of-way or cul-de-sac shall be established by the County Engineer

Section 2. Amend Section 9-17.H. Sanitary Sewers

To read as follows:

Subdivisions containing less than ~~forty (40)~~ thirty (30) lots may install septic systems or other approved on-site treatment systems in lieu of the common treatment using County Health Department standards. Subdivisions containing ~~forty (40)~~ thirty (30) or more lots when median lot size is less than one (1) acre shall provide for common sanitary sewage treatment using the administration rules of the Iowa Department of Natural Resources. Subdivisions containing ~~less more than forty (40)~~ thirty (30) lots when 90% or more of the lots are greater than 1 acre in size may install septic systems in lieu of the common treatment using County Health Department standards. ~~If the developer or his successors subsequently files a Preliminary Plat or Final Plat which would increase the total number to forty (40) or more lots, the Planning and Zoning Commission shall not consider such plat until the developer installs or, agrees to install, at his own expense common sewer to the previously approved lots. This restriction covers all contiguous land which the developer owns or purchases in the future. A performance bond as described in Section 9-18 may be posted in lieu of sewer installation. A waiver may be granted if the developer can show hardship as described in Section 9-20.~~ Lots where septic systems are proposed shall provide adequate space for two (2) septic fields, the second field to act as a back up when the first field fails.

Section 3. Amend Section 9-17.I. Storm Water Management

To read as follows:

All lots and internal streets shall be adequately drained. Storm water runoff shall be controlled through enclosed storm sewers or overland drainage. Detention facilities sufficient to capture the runoff of a ~~twenty-five (25)~~ one hundred (100) year storm shall be placed in the subdivision. The release rate of storm water out of the detention facility shall be restricted so as not to exceed the volume produced by a five (5) year storm when measured at the pre-developed flow rates. The velocity of the water leaving the subdivision shall be reduced so as not to cause erosion. Drainage easements or common outlots may be required, but the land shall remain privately owned. Suitable provisions for maintenance and upkeep of common stormwater facilities shall be provided through homeowners association, deed covenants, or

through other similar provisions as approved by the Board of Supervisors. A drainage easement is required where storm water from a subdivision crosses an adjacent property to reach a natural stream or public drainage facility. Enclosed storm sewers require County Engineer approval before construction of the subdivision begins.

Section 4. Amend Section 9-17.J. Water

To read as follows:

Subdivisions containing fifteen (15) or more lots that are located within ½ mile of a public water utility shall extend water service from such utility when determined to be feasible. Subdivisions containing five (5) or more lots shall provide for a common water supply using the administrative rules of the Iowa Department of Natural Resources. Subdivisions containing fewer than five (5) lots may have private wells which meet the County Health Department standards. Once the development is complete, the restrictive covenants will provide for the common water system to be turned over to a homeowners' association or quasi-public organization. The association or organization would own, operate, and maintain the common water system.

Section 5. Amend Section 9-17.P. Perimeter Fences

To read as follows:

Any subdivision boundary adjoining an existing agricultural land use will be fenced with a lawful or a tight fence, as determined by the Board of Supervisors, to prevent livestock and horses from entering the other property. Where no fence exists or where an existing is in need of repair, the cost will be assigned to the ~~appropriate landowner~~ developer. Future repair and maintenance will be done by the agricultural land owner with the cost prorated according to length of fence between the homeowners association and the agricultural land owner.

Section 6. Amend Section 9-19. REQUIRED IMPROVEMENTS

To read as follows:

- A. All new subdivision streets which will eventually serve five (5) or more lots will be constructed according to the standards and procedures as established by the Board of Supervisors. When the majority of the lots are sold to homeowners, the homeowners association may decide whether or not to dedicate the road and road right-of-way to the County. The roads will be constructed with an adequately compacted sub-soil base and proper drainage. The County Engineer will inspect and approve the sub-soil base and drainage before the base course is laid. The traffic surface will be built to the standards listed below and based on projected traffic counts for the subdivision as eventually completed. The paved portion shall be a minimum of either six (6) inch non-reinforced cement concrete or five (5) inch asphalt base and two (2) inch asphalt finish meet standards equal to or greater than current Statewide Urban Design and Specifications (SUDAS) Manual and current Iowa Department of Transportation specifications.

Section 7. Amend Appendix I.VI. SPECIFICATIONS AND REQUIREMENTS

To read as follows:

10. Asphalt pavement and asphalt base:

Asphalt base of the thickness and width shown on the typical cross section shall be in accordance with Statewide Urban Design and Specifications (SUDAS) and Section 2203 Asphalt Base Class 2 of the I.D.O.T. "Standard Specification for Highway and Bridge Construction" (current edition). The job mix formula to be determined by a commercial asphalt testing company and approved by the County Engineer based on the aggregate to be used. Daily samples shall be taken by the subdivider's engineer and submitted to an approved asphalt testing lab for verification of compliance with specifications (owner's expense). The material shall be placed in two equal lifts that combined equal the compacted thickness shown on the typical cross section.

Asphalt surface of the thickness and width shown on the typical cross section shall be in accordance with Statewide Urban Design and Specifications (SUDAS) and Section 2303 - Type "B" asphalt cement concrete leveling and surface of the I.D.O.T. "Standard Specifications for Highway and Bridge Construction" (current edition). The job mix formula to be determined by a commercial asphalt testing company and approved by the County Engineer based on the aggregate to be used. Daily samples shall be taken by the subdivider's engineer and submitted to an approved asphalt testing lab for verification of compliance with specifications and job mix formula (at owner's expense). The material is to be placed in two (2) lifts: Leveling course one (1) inch thick utilizing three-fourths (3/4) inch maximum size aggregate mix and a wearing course of one (1) inch thick utilizing one-half (1/2) inch maximum size aggregate mix.

11. Non-reinforced portland cement concrete shall be placed on the approved subgrade in accordance with Statewide Urban Design and Specifications (SUDAS) and Section 2301 "Portland Cement Concrete Pavement" of IDOT "Standard Specifications for Highway and Bridge Construction" (current edition). Mesh reinforcement will not normally be required and the provision of Section 2301 relative to this will not apply. The concrete mixture shall conform to Class C - Type 1. If an adequate approved base cannot be attained utilizing existing material an aggregate base will be required. Joint spacing and joint details will be in accordance with I.D.O.T. standard plans.

Section 8. The County Auditor is directed to record this ordinance in the County Recorder's office.

Section 9. Severability Clause. If any of the provisions of this Ordinance are for any reason illegal or void, then the lawful provisions of this Ordinance, which are separate from said unlawful provisions shall be and remain in full force and effect, the same as if the Ordinance contained no illegal or void provisions.

Section 10. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 11. Effective Date. This Ordinance shall be in full force and effect after its final passage and publication as by law provided.

Approved this _____ day of _____ 2008.

Jim Hancock, Chairman
Scott County Board of Supervisors

Wes Rostenbach, County Auditor

THE COUNTY AUDITOR'S SIGNATURE CERTIFIES THAT
THIS RESOLUTION HAS BEEN FORMALLY APPROVED BY
THE BOARD OF SUPERVISORS ON _____
DATE _____
SCOTT COUNTY AUDITOR

RESOLUTION
SCOTT COUNTY BOARD OF SUPERVISORS

June 12, 2008

**APPROVAL OF THE ABATEMENT OF DELINQUENT PROPERTY TAXES AS
RECOMMENDED BY THE SCOTT COUNTY TREASURER AND FOR PROPERTIES
OWNED BY SCOTT COUNTY IN ACCORDANCE WITH IOWA CODE CHAPTER
445.16, 445.56, 445.63 AND 446.7**

BE IT RESOLVED by the Scott County Board of Supervisors as follows:

Section 1. Iowa Code Chapter 445.16 states that if the County Treasurer makes a written recommendation to the Board of Supervisors to abate taxes deemed uncollectible the Board of Supervisors shall direct the County Treasurer to strike the amount due from the county system. Iowa Code Chapter 445.56 states that when it is administratively impractical to collect the tax, the Board of Supervisors shall compromise or abate the tax, interest, and costs. Iowa Code Section 445.63 states that when taxes are owing against a parcel owned by a political subdivision of the state the Board of Supervisors shall abate the total amount due. Iowa Code Section 446.7 states that when taxes that are owing against parcels owned by a city agency are unpaid the Board of Supervisors shall abate the total amount due.

Section 2. The County Treasurer is hereby directed to strike the amount of taxes due on the properties as shown on attached exhibit in the total amount of \$277,449.57 from the County system.

Section 3. This resolution shall take effect immediately