

**PLANNING & DEVELOPMENT**

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Timothy Huey  
Director

To: C. Ray Wierson, County Administrator

From: Timothy Huey, Planning Director

Date: July 1, 2008

**Re: Request for a twelve month extension of the approval of the Preliminary Plat  
Kauth's Addition.**

The Subdivision Regulations allow approval of Preliminary Plat to be effective for one year, except the Board of Supervisors, upon request of the subdivider and advice of the Planning Director may grant an extension of that time limit.

The applicant for Kauth's Addition has submitted a request for a twelve month extension of the Preliminary Plat approval. The request is to allow more time for completion of street improvements and other requirements prior to submittal of the Final Plat. Those improvements involve the installation of a 78 inch diameter culvert that is on order. There are also other requirements of the Corps of Engineers that the applicant needs additional time in order to comply. The Final Plat will be submitted following completion of those required subdivision improvements.

Staff would recommend approval of the requested twelve month extension.

19 June, 2008

Mr. Tim Huey  
Administrator  
Scott County Planning & Zoning

Subj: Time for completion of the "Kauth's 2nd Addition" to Oak Valley Subdivision.

Last August 23, the Scott County Board approved the preliminary plat of the 2nd Addition to my subdivision. The standard time given for completion was 1 yr.

I then sought approval from the City of Buffalo, which was given on 10/1/07.

Next I submitted the plans for the crossing of a small creek to the State of Iowa DNR and to the US Army Corp. of Engineers. The state of Iowa sent back an approval letter. The Corp of Engineers decided that a full scale review, with a public notice requesting comment, was required. The public notice comment period lasted til Jan 9, 2008. Because the length of a back up pool with a 100 yrs. rain might extend 600 feet up the valley, they deemed that the crossing culvert design required a phase 1 archaeological study, which could not be done correctly until the ground thawed in the Spring of 2008. This could also be followed by a Phase 2 study, requiring excavation by Archaeologists.

I proposed a change in the crossing design that would reduce to pool upstream of the crossing, and the Corp of Engineers, approved the project on January 15, 2008, under the "Nation Wide Permit #14" process.

The DNR issued a Storm Water Discharge Permit for construction activity dtd: 4/25/08.

I have the 78" diameter culvert on order, and expect delivery to the site about the 1st week of July. At that point I can begin to seriously move dirt.

Since I believe that a large and deep culvert crossing should settle thru a winter before a county class concrete road is poured on top of it, I am requesting an additional year of time to completion of the 2nd addition of the Oak Valley Subdivision and for my neighbors continuation of it onto their property.

Thank You for your Kind Consideration of this request.



Bob Kauth

Copy attached of Corp ltr of approval dtd 15 Jan, 2008



**DEPARTMENT OF THE ARMY**  
ROCK ISLAND DISTRICT, CORPS OF ENGINEERS  
CLOCK TOWER BUILDING - P.O. BOX 2004  
ROCK ISLAND, ILLINOIS 61204-2004

REPLY TO  
ATTENTION OF

<http://www.mvr.usace.army.mil>

January 15, 2008

Operations Division

SUBJECT: CEMVR-OD-P-2007-1431

Mr. Robert Kauth  
11340 95<sup>th</sup> Avenue  
Blue Grass, Iowa 52726

Dear Mr. Kauth:

Our office reviewed your revised application dated January 10, 2007, concerning the proposed construction of a culverted crossing in Section 15, Township 77 North, Range 2 East, Scott County, Iowa. It is our understanding that the previously proposed dam at this location will not be constructed.

Your project is covered under Nationwide Permit No. 14, as published in the enclosed Fact Sheet No. 6 (IA), provided you meet the Special Condition below, and the permit conditions for the nationwide permits which are also included in the Fact Sheet. The Corps has also made a determination of no impact on federally threatened and endangered species or critical habitat. The Iowa Department of Natural Resources (IADNR) has also issued Section 401 Water Quality Certification for this nationwide permit. The decision regarding this action is based on information found in the administrative record, which documents the District's decision-making process, the basis for the decision, and the final decision.

**Special Condition:**

If you discover any previously unknown historic or archaeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

This verification is valid for two years from the date of this letter, unless the nationwide permit is modified, reissued or revoked. It is your responsibility to remain informed of changes to the nationwide permit program. We will issue a public notice announcing any changes if and when they occur. Furthermore, if you commence or are under contract to commence this activity before the date the nationwide permit is modified or revoked, you will have twelve months from this date to complete your activity under the present terms and conditions of this nationwide permit.

Although an individual Department of the Army permit will not be required for this project, this does not eliminate the requirement that you must still acquire other applicable federal, state and local permits. If you have not already coordinated your project with the IADNR, please contact Mr. Kelly Stone in writing or telephone 515/281-8693 to determine if a floodplain development permit is required for your project. You should also contact the Manager, of the IADNR Sovereign Lands Division in writing or telephone 515/281-8967 to determine if a sovereign lands construction permit is required or if this project may adversely impact Iowa threatened or endangered species or their habitat.

You are required to complete and return the enclosed "Completed Work Certification" upon completion of your project in accordance with General Condition No. 26 of the nationwide permits.

This letter contains an approved jurisdictional determination for the subject site. If you object to this jurisdictional determination, you may request an administrative appeal under Corps regulations found at 33 CFR Part 331. Enclosed is a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this approved jurisdictional determination, you must submit a completed RFA form to the Mississippi Valley Division Office at the following address:

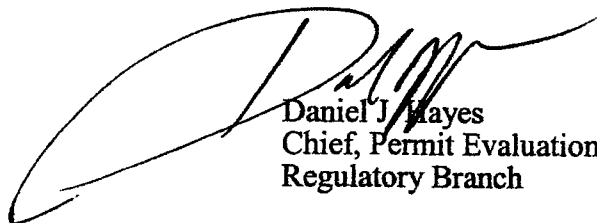
Mr. James B. Wiseman, Jr.  
Administrative Appeals Officer  
U.S. Army Corps of Engineers  
Mississippi Valley Division  
ATTN: CEMVD-PD-KM  
Post Office Box 80  
Vicksburg, Mississippi 39181-0080

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by March 17, 2008.

It is not necessary to submit an RFA form to the Division Office if you do not object to the approved jurisdictional determination contained in this letter.

Should you have any questions, please contact our Regulatory Branch by letter, or telephone me at 309/794-5372.

Sincerely,



Daniel J. Hayes  
Chief, Permit Evaluation Section  
Regulatory Branch

When the structure or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit are still in existence at the time the property is transferred, the terms and conditions, will continue to be binding on the new owner(s), of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

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Transferee

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Date

Enclosures