

PLANNING & DEVELOPMENT

500 West Fourth Street

Davenport, Iowa 52801-1106

Office: (563) 326-8643 Fax: (563) 326-8257

Email: planning@scottcountyiowa.com



Item 3
11/1/16

Timothy Huey
Director

To: Mahesh Sharma, County Administrator

From: Timothy Huey, Planning Director

Date: October 25, 2016

Re: **Discussion of the Public Hearing and presentation of Planning and Zoning Commission's recommendation on the request of Paul and Marijo Anderson to rezone 350 acres, more or less, from Agricultural-Preservation (A-P) to Agricultural-General (A-G), described as Part of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11 and SW $\frac{1}{4}$ of Section 10, and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10 and part of NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Princeton Township.**

The Commission recommended approval of this request in accordance with staff's recommendation. The applicant, Marijo Anderson, was present to formally request approval and answer questions from the Commission. Neighboring property owner Kathryn Hall, 27630 235th Avenue, expressed concerns about the effects future development of the Anderson property will have on the creeks on her property that flow to the Anderson's land.

The Commission stated that any proposed future development will undergo a thorough review process that will consider, among other things, the storm water management requirements. The Commission also stated that this rezoning, if approved, will not allow any non-agricultural development of this property. It is the intermediate step to allow future consideration of a rezoning to allow development to be proposed.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommended approval of the request to rezone 350 acres (more or less) from Agricultural-Preservation (A-P) to Agricultural-General (A-G) based on its compliance with a preponderance of the criteria of the Revised Land-Use Policies as enumerated in the Planning Staff Report. Vote 5-1 (Schneckloth dissenting)



PLANNING & ZONING COMMISSION

STAFF REPORT

October 18, 2016



- Applicant:** Paul and Marijo Anderson
- Request:** Rezone 350 acres, more or less, from Agricultural-Preservation (A-P) to Agricultural-General (A-G)
- Legal Description:** Part of the SW ¼ of Section 11 and NE ¼ of Section 10, and the SW ¼ and SE ¼ of Section 10 of Princeton Township
- General Location:** Adjoining and directly south of the incorporated city limits of the City of Princeton
- Existing Zoning:** Agricultural-Preservation (A-P)
- Surrounding Zoning:**
- North:** *City of Princeton:* Agricultural (A1)
 - South:** Agricultural-Preservation (A-P)
Agricultural-General (A-G)
Residential Single-Family (R-1)
 - East:** *City of Princeton:* Agricultural (A1)
City of Princeton: Moderate Family Residential (R2)
City of Princeton: Commercial (C1)
Agricultural-General (A-G)
 - West:** *City of Princeton:* Agricultural (A1)
Agricultural-Preservation (A-P)

GENERAL COMMENTS: This request is to rezone approximately 350 acres from Agricultural-Preservation (A-P) to Agricultural-General (A-G). The applicants' application states that the rezoning is to establish a "holding zone," creating an opportunity for future development, which is the intention of the Agricultural-General (A-G) zoning district as described in Section 6-10 of the Revised Zoning Ordinance.

The Zoning Ordinance also states in Section 6-6.A., "...it is the intent of this Ordinance that the 'R-1', 'R-2', 'C-1', 'C-2' and 'I' Zoning Districts not be established through rezoning the 'A-P' District..." Thus, rezoning to Agricultural-General (A-G) is the recommended intermediate step for the consideration of future rezoning applications in order to develop non-agricultural uses. This specific rezoning request will not, by itself, enable any development of this property.

STAFF REVIEW: Staff has reviewed this request for its adherence to the Scott County Zoning Ordinance and to the Scott County Land Use Policies. The Zoning Ordinance states that it is the intent of the Agricultural-General (A-G) District to serve the agricultural community and act as a holding zone until a compatible urban development proposal is approved through



PLANNING & ZONING COMMISSION

STAFF REPORT

October 18, 2016



special use permits or rezoning. Any proposed changes in land use and zoning should comply with a preponderance of the applicable Scott County Land Use Policies.

The guidelines for reviewing rezoning proposals are outlined in the Scott County Land Use Policies as follows:

Is the development in compliance with the adopted Future Land Use Map?

This area is not shown on the Future Land Use Map as having an intended future land use other than agricultural. However, County policy encourages development to occur within cities so therefore it would generally be expected that land adjacent to a corporate boundary would be annexed into that City prior to development. Therefore, in areas such as this, a future land use map designation was determined not to be necessary when the current map was adopted.

Is the development on marginal or poor agricultural land?

The land use policies rank any soil with a CSR of 60 or greater as productive agricultural soil. The Natural Resources Conservation Service has not, as of yet, responded to the notification of this rezoning request. Review of the Soil Survey of Scott County and the Natural Resources Conservation Service's web map indicated that this property is comprised of a number of different soil types, including large portions of Timula, Dockery, Downs, and Fayette silt loams with slopes ranging from 2 to 40% and Corn Suitability Ratings between 5 and 83. These soils are classified II, III, IV, VI, and VII for land capability, which indicates moderate to severe limitations for growing field crops, most likely due to the site's topography and the lower-lying areas' vulnerability to flooding along Bud Creek and its tributaries. At the same time, Fayette, Downs, and Dockery silt loams are listed in the soil survey as prime agricultural land and the current property owners are utilizing appropriate areas as such. Therefore, the request does not meet this criterion.

Does the proposed development have access to adequately-constructed, paved roads?

The area to be rezoned has an access point off of Great River Road/Highway 67. A long, unpaved private driveway extends along the property's northern boundaries leading to the existing farmhouses. The access point and private drive have been adequate for the current owners' purposes.

Does the proposed development have adequate provision for public or private sewer and water services?

The property is not currently served by either public sewer or water service, and therefore any development must comply with State and County health regulations for private wells and on-site wastewater treatment unless sewer is extended. This request was forwarded to the County Health Department for review and comment and no comments have been received.



PLANNING & ZONING COMMISSION

STAFF REPORT

October 18, 2016



Is the area near existing employment centers, commercial areas and does not encourage urban sprawl?

The area to be rezoned is directly adjacent to the city limits of the City of Princeton which has employment centers and commercial areas. However, this rezoning request will not, by itself, enable any development of this property – The A-G zoning district will continue to serve the agricultural community and act as a holding zone until a compatible urban development proposal is approved through special use permits or rezoning. Therefore, urban sprawl is not a concern at this time and the request meets this criterion.

Is the proposed development located where it is least disruptive to existing agricultural activities?

The proposed rezoning would allow existing agricultural activities on the property and nearby to continue without disruption.

Does the area have stable environmental resources?

The area to be rezoned includes wooded areas, tilled and rolling agricultural land, and prairie remnants along the steeper slopes and other untilled areas. Bud Creek, which drains into the Mississippi River, also runs along the northern portion of the property with a number of smaller tributaries extending north- and southward. Any environmental instability would be attributed to erosion from the steeper slopes and seasonal flooding of Bud Creek, but the existing agricultural activities on the property indicates that the environmental resources are stable enough to continue such activities.

Is the proposed development sufficiently buffered from other less intensive land uses?

Since this request does not propose land uses that are more intensive than agricultural, the surrounding agricultural land uses should be able to continue without buffering.

Is there a recognized need for such development?

As stated before this rezoning request will not, by itself, enable any development of this property. The change to A-G zoning will allow the existing agricultural activities to continue, but will also create a holding zone until a compatible urban development proposal is approved through special use permits or rezoning.

Staff has mailed notification to the adjacent property owners within five hundred feet (500') of this property of this hearing. A sign has also been placed on the property stating the date and time this request would be heard by the Planning and Zoning Commission. To date, staff has received one phone call from a representative of the River Highlands Subdivision (south of the property to be rezoned) Homeowners' Association. The Association's primary concern was that future developers may want to utilize and/or expand the subdivision's private road system since an easement extends northward from a private cul-de-sac in the subdivision to property owned by the applicants. Staff also



PLANNING & ZONING COMMISSION

STAFF REPORT

October 18, 2016



received one email opposing the rezoning request.

Staff also notified the County Engineer, County Health Department, Scott County soil conservationist, Bi-State Regional Commission, and the cities of LeClaire and Princeton for review and comment. No comments have been received.

RECOMMENDATION: Staff recommends that the rezoning of this property from Agricultural-Preservation (A-P) to Agricultural-General (A-G) be approved based on its compliance with a preponderance of the criteria of the Revised Land-Use Policies.

Submitted by:

Timothy Huey, Director
October 13, 2016

From: [PD Mail Box](#)
To: ["Scott Davis"](#)
Cc: [Sabat, Alan N.](#)
Subject: RE: October 18 Public Planning for Rezoning
Date: Tuesday, October 11, 2016 1:29:53 PM

Thank you for your comments. We will pass them on, along with any others we receive, to the Planning and Zoning Commission and the Board of Supervisors.

Sincerely,

Timothy Huey
326-8643

From: Scott Davis [mailto:davis.scott60@gmail.com]
Sent: Tuesday, October 11, 2016 12:04 PM
To: PD Mail Box
Subject: October 18 Public Planning for Rezoning

Timothy Huey P&Z Director
500 West Fourth Street
Davenport Ia 52801

Dear Mr. Huey,

We are an adjoining land owner to the Anderson Property scheduled for a hearing on rezoning from ag preservation to holding zone for future development.

We respectfully request the farm be denied rezoning due to the following reasons:

- 1) We specifically purchased our house in 2009 for the view of ag land to the north and the value of our property would be impacted.
- 2) We see no advantage of becoming annexed in the future into the City of Princeton since we have invested heavily into new wells and private streets.
- 3) The damage to the natural prairies, woods, environmentally sensitive area would be irreversible.
- 4) There are three or more lots in our subdivision which have been for sale for over nine years.
- 5) The land use in the present form is the best use.

Thank you sincerely.
Scott and Susan Davis
28030 238th st
Le Claire IA 52753

October 12, 2016

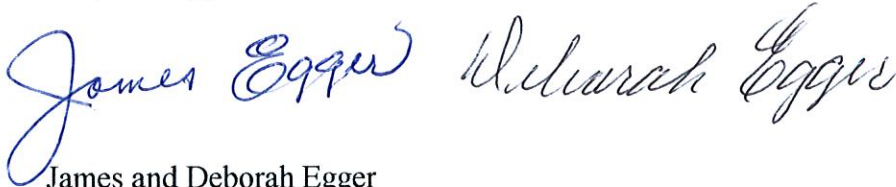
Scott County Planning and Development
County Court House Annex
500 West 4th Street
Davenport, Iowa 52801

Attn: Mr. Tim Huey, Director

Re: Petition by Paul Anderson to rezone 350 acres near Princeton, Iowa

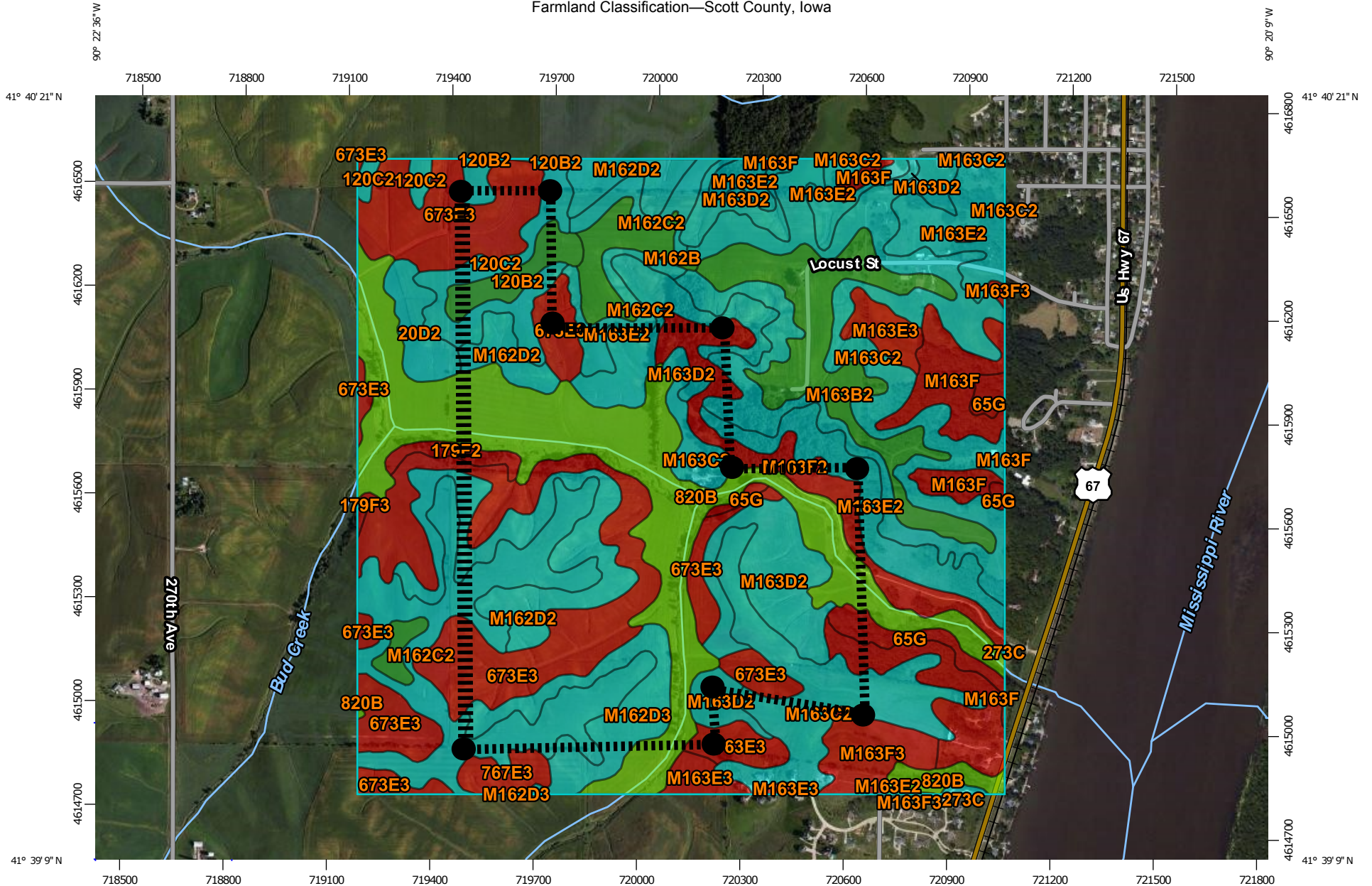
The application submitted by the Andersons to rezone the 350 acres they own to A-G is acceptable to us. We have no objection to this request.

Respectfully,



James and Deborah Egger
23811 284th Avenue
Le Claire, Iowa 52753
Lot 14, River Highlands 1st Addition to Scott County, Ia.

Farmland Classification—Scott County, Iowa



Map Scale: 1:15,600 if printed on A landscape (11" x 8.5") sheet.


0 200 400 800 1200 Meters

0 500 1000 2000 3000 Feet

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 15N WGS84









MAP LEGEND







Area of Interest (AOI)

-  Area of Interest (AOI)




Soils




Soil Rating Polygons






-  Not prime farmland
-  All areas are prime farmland
-  Prime farmland if drained
-  Prime farmland if protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated
-  Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated and drained
-  Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season

-  Prime farmland if subsoiled, completely removing the root inhibiting soil layer
-  Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
-  Prime farmland if irrigated and reclaimed of excess salts and sodium
-  Farmland of statewide importance
-  Farmland of local importance
-  Farmland of unique importance
-  Not rated or not available







Soil Rating Lines










-  Not prime farmland
-  All areas are prime farmland
-  Prime farmland if drained

-  Prime farmland if protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated
-  Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated and drained
-  Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season
-  Prime farmland if subsoiled, completely removing the root inhibiting soil layer
-  Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60

-  Prime farmland if irrigated and reclaimed of excess salts and sodium
-  Farmland of statewide importance
-  Farmland of local importance
-  Farmland of unique importance
-  Not rated or not available








Soil Rating Points

-  Not prime farmland
-  All areas are prime farmland
-  Prime farmland if drained
-  Prime farmland if protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated
-  Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season

-  Prime farmland if irrigated and drained
-  Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season
-  Prime farmland if subsoiled, completely removing the root inhibiting soil layer
-  Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
-  Prime farmland if irrigated and reclaimed of excess salts and sodium
-  Farmland of statewide importance
-  Farmland of local importance
-  Farmland of unique importance
-  Not rated or not available

Water Features

MAP INFORMATION

-  Streams and Canals
- Transportation**
-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads
- Background**
-  Aerial Photography

The soil surveys that comprise your AOI were mapped at 1:15,800.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Scott County, Iowa
Survey Area Data: Version 23, Sep 24, 2015

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Aug 31, 2011—Sep 11, 2011

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Farmland Classification

Farmland Classification— Summary by Map Unit — Scott County, Iowa (IA163)				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
20D2	Killduff silty clay loam, 9 to 14 percent slopes, eroded	Farmland of statewide importance	9.7	1.1%
65G	Lindley loam, 25 to 40 percent slopes	Not prime farmland	11.3	1.3%
120B2	Tama silty clay loam, 2 to 5 percent slopes, eroded	All areas are prime farmland	9.0	1.1%
120C2	Tama silty clay loam, 5 to 9 percent slopes, eroded	Farmland of statewide importance	24.7	2.9%
179F2	Gara loam, 18 to 25 percent slopes, moderately eroded	Not prime farmland	4.4	0.5%
179F3	Gara clay loam, 18 to 25 percent slopes, severely eroded	Not prime farmland	0.8	0.1%
273C	Olmitz loam, 3 to 9 percent slopes	Farmland of statewide importance	0.8	0.1%
673E3	Timula silt loam, 14 to 18 percent slopes, severely eroded	Not prime farmland	122.3	14.3%
763E3	Exette silt loam, 14 to 18 percent slopes, severely eroded	Not prime farmland	6.7	0.8%
767E3	Mula silt loam, 14 to 18 percent slopes, severely eroded	Not prime farmland	6.5	0.8%
820B	Dockery silt loam, 2 to 5 percent slopes	Prime farmland if protected from flooding or not frequently flooded during the growing season	115.2	13.5%
M162B	Downs silt loam, till plain, 2 to 5 percent slopes	All areas are prime farmland	15.8	1.8%
M162C2	Downs silt loam, till plain, 5 to 9 percent slopes, eroded	Farmland of statewide importance	75.2	8.8%
M162D2	Downs silt loam, till plain, 9 to 14 percent slopes, eroded	Farmland of statewide importance	50.9	5.9%
M162D3	Downs silty clay loam, till plain, 9 to 14 percent slopes, severely eroded	Farmland of statewide importance	23.6	2.8%

Farmland Classification— Summary by Map Unit — Scott County, Iowa (IA163)				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
M163B2	Fayette silt loam, till plain, 2 to 5 percent slopes, eroded	All areas are prime farmland	41.3	4.8%
M163C2	Fayette silt loam, till plain, 5 to 9 percent slopes, eroded	Farmland of statewide importance	129.7	15.2%
M163D2	Fayette silt loam, till plain, 9 to 14 percent slopes, eroded	Farmland of statewide importance	41.4	4.8%
M163E2	Fayette silt loam, till plain, 14 to 18 percent slopes, eroded	Farmland of statewide importance	71.6	8.4%
M163E3	Fayette silty clay loam, till plain, 14 to 18 percent slopes, severely eroded	Not prime farmland	12.5	1.5%
M163F	Fayette silt loam, till plain, 18 to 25 percent slopes	Not prime farmland	41.1	4.8%
M163F2	Fayette silt loam, till plain, 18 to 25 percent slopes, eroded	Not prime farmland	26.1	3.1%
M163F3	Fayette silty clay loam, till plain, 18 to 25 percent slopes, severely eroded	Not prime farmland	14.6	1.7%
W	Water	Not prime farmland	0.6	0.1%
Totals for Area of Interest			856.1	100.0%

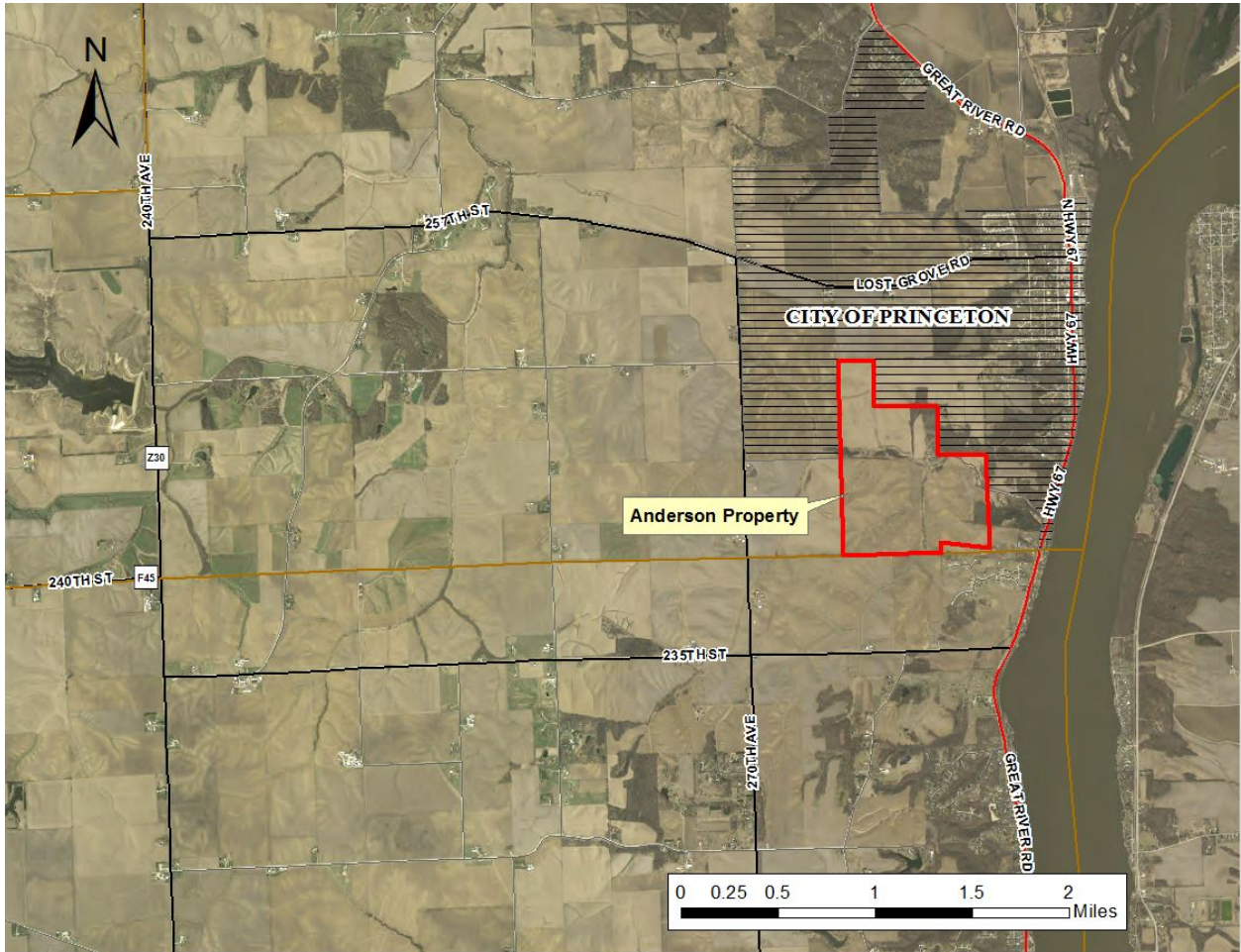
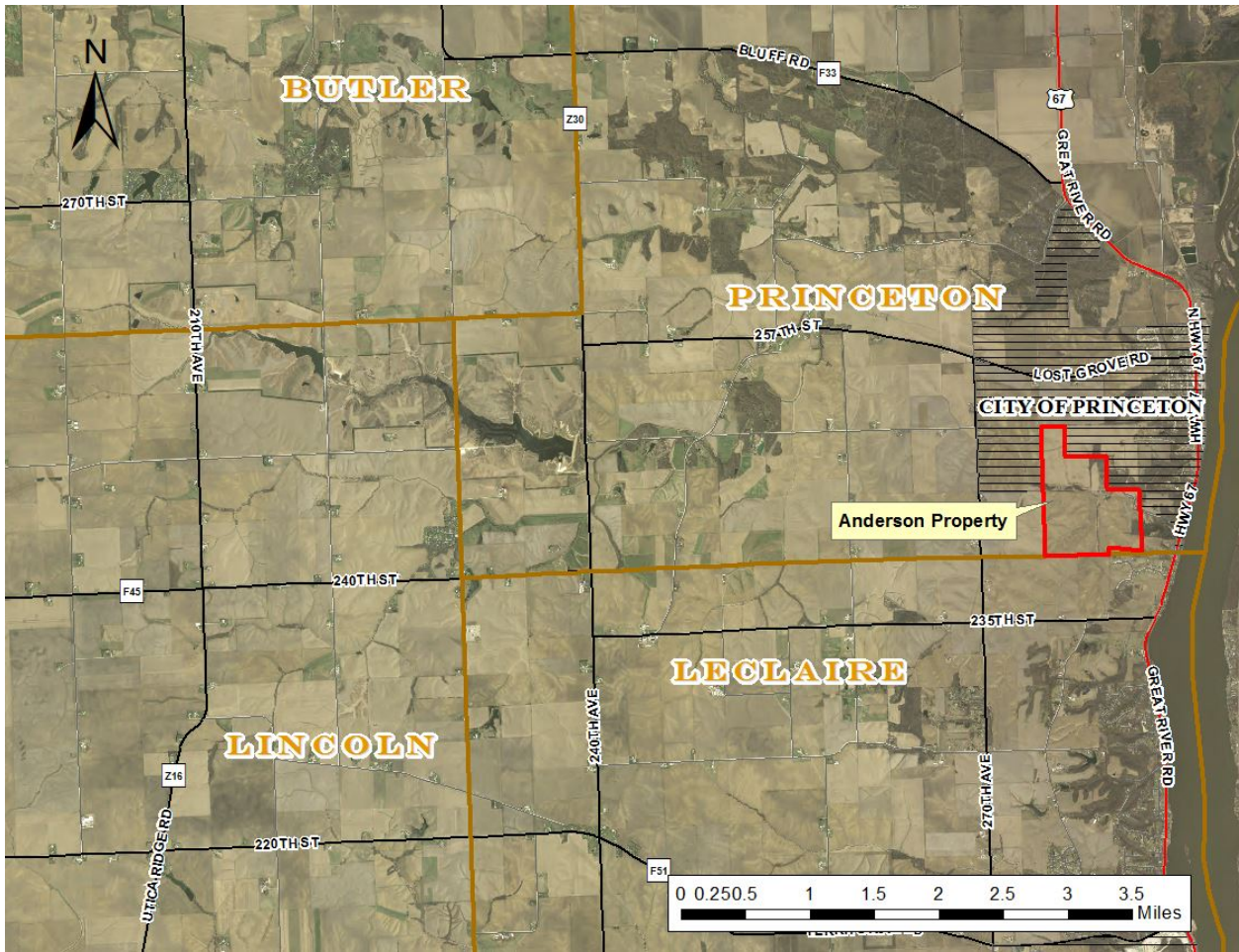
Description

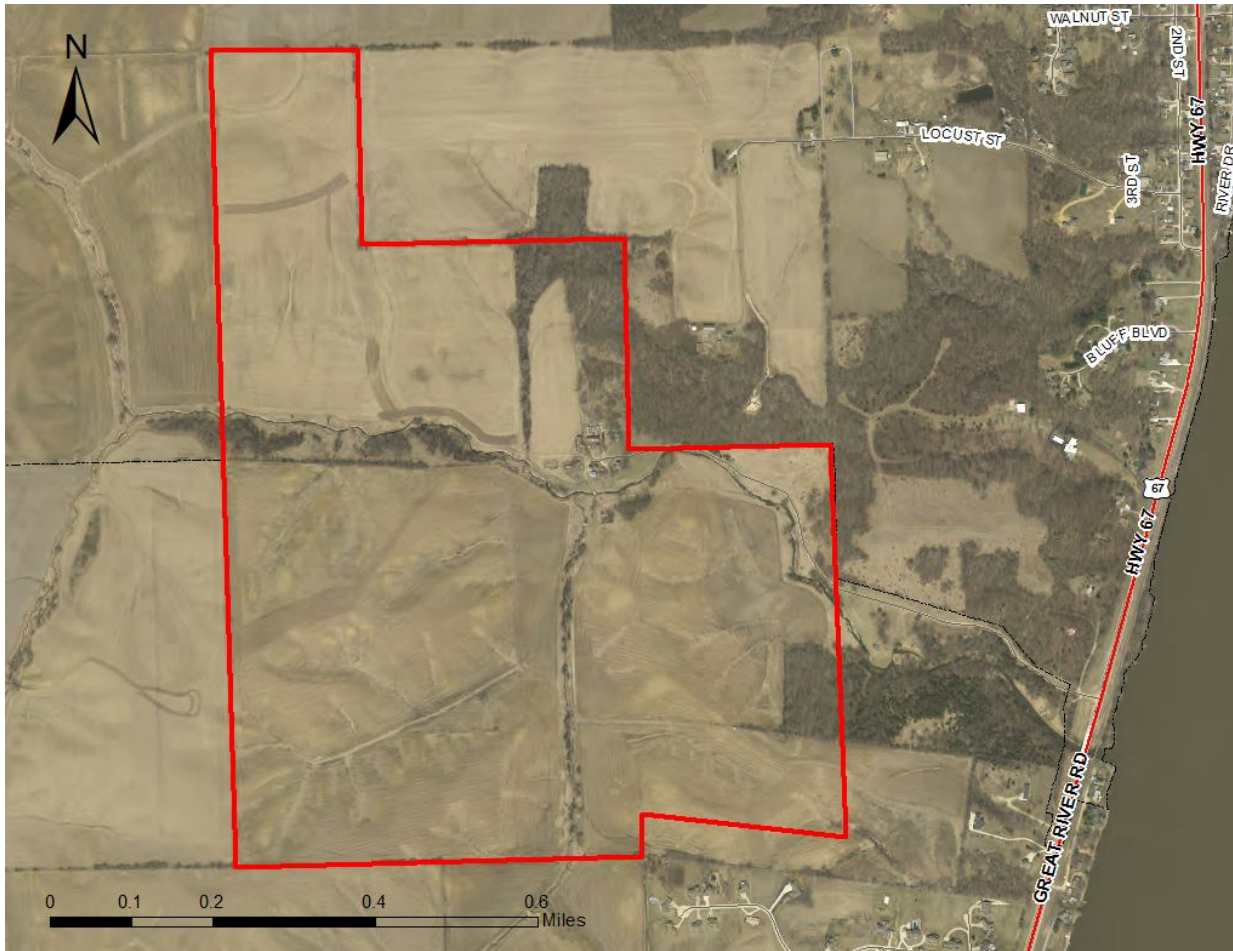
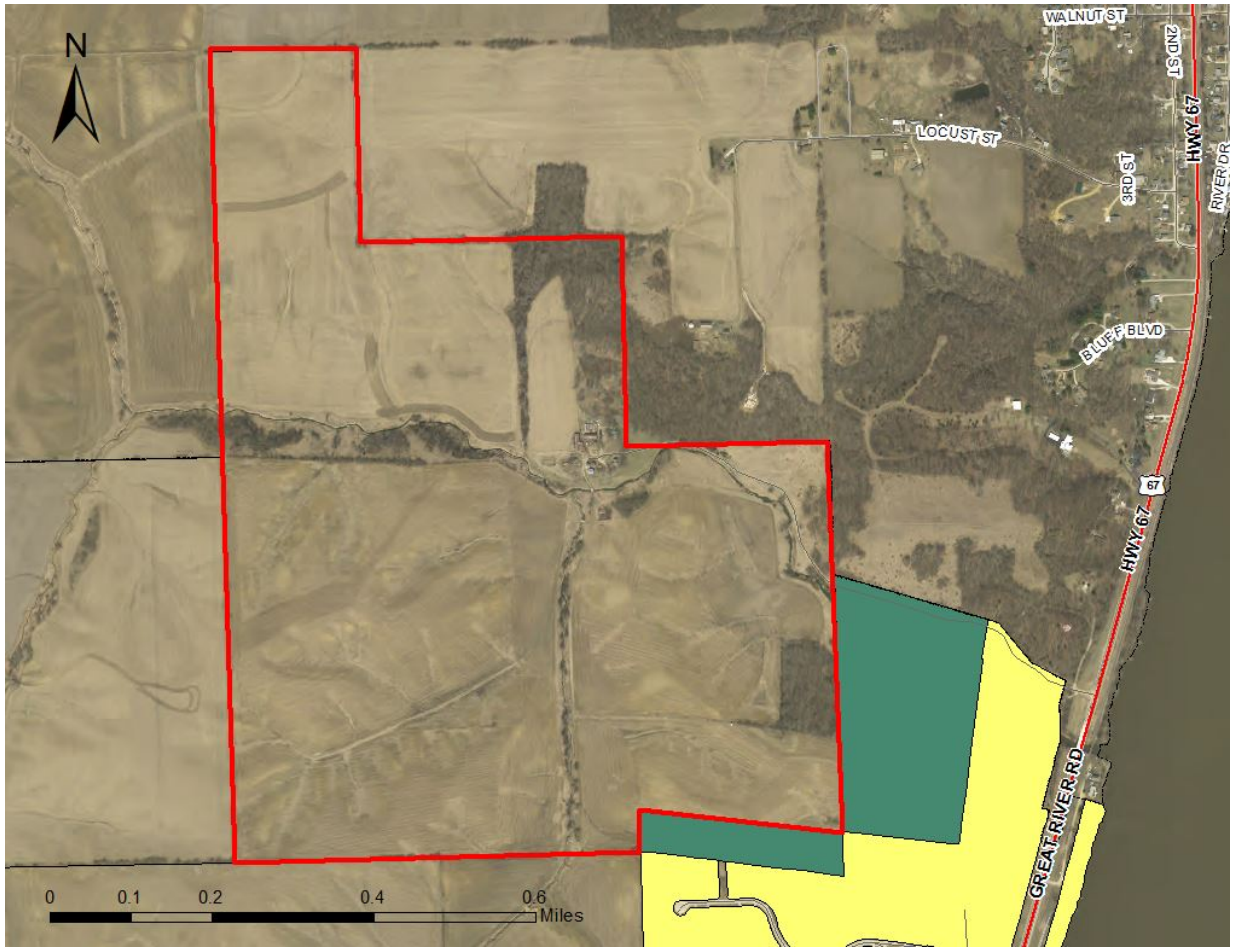
Farmland classification identifies map units as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops. NRCS policy and procedures on prime and unique farmlands are published in the "Federal Register," Vol. 43, No. 21, January 31, 1978.

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower







240TH AVE

25TH ST

GREAT RIVER RD

N HWY 67

LOST GROVE RD

CITY OF PRINCETON

HWY 67

HWY 67

Z30

Anderson Property

240TH ST

F45

235TH ST

270TH AVE

GREAT RIVER RD

