

PLANNING & DEVELOPMENT

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Item #6
9/19/17

Timothy Huey
Director

To: Mahesh Sharma, County Administrator

From: Timothy Huey, Planning Director

Date: September 12, 2017

Re: A request by Ben Boeding for approval of the Final Plat of Boeding Subdivision, a two lot agricultural subdivision in part of the NW¹/₄SW¹/₄ and part of the NE¹/₄SW¹/₄ of Section 31, Princeton Township.

The Planning Commission unanimously recommended approval of this Final Plat in accordance with staff's recommendation. This request is to subdivide a portion of a farm into two (2) agricultural lots, each 1.38 acres in size, for future agricultural buildings to be under separate ownership. Each lot would retain its Agricultural-Preservation (A-P) zoning designation and thus developing them for agricultural uses would be the only permissible development.

The applicant was present at the Planning Commission meeting to speak on behalf of the request. There were no other public comments.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommends approval of the Final Plat of Boeding Subdivision.



PLANNING & ZONING COMMISSION
STAFF REPORT
August 15, 2017



Applicant: Ben Boeding

Request: Sketch Plan/Final Plat of Boeding Subdivision

Legal Description: Part of the NW ¼ of the SW ¼ and Part of the NE ¼ of the SW ¼ of Section 31 per Plat of Survey Document #2008-0028623, and Part of the NE ¼ of the SW ¼ of Section 31 except Plat of Survey Document #2008-0028623, respectively, Princeton Township

General Location: 26405 240th Avenue, ¾ mile North of Lost Grove Lake Park, approximately 2.7 miles West of the City of Princeton along 240th Avenue

Zoning: Agricultural-Preservation (A-P)

Surrounding Zoning:

- North:** Agricultural-Preservation (A-P)
- South:** Agricultural-Preservation (A-P)
- East:** Agricultural-Preservation (A-P)
- West:** Agricultural-Preservation (A-P)

GENERAL COMMENTS: This request is to subdivide a portion of farm parcels into two (2) agricultural lots, each 1.38 acres, for future agricultural buildings to be under separate ownership. Each lot would retain its Agricultural-Preservation (A-P) zoning designation and thus developing them for agricultural uses would be the only permissible development.

The one-time farmstead split of the farm house from this farm was approved with a plat of survey in 2008. The Zoning Ordinance states that any additional farm houses can only be approved if the land is rezoned for residential use to allow approval of a subdivision plat to split off additional farm houses from a farm. The ability to split a farm house from a farm is through approval of a plat of survey which can only be approved for the first split from an A-P zoned farm parcel. Subsequent splits require subdivision approval. In this case since the proposed use of these lots is for livestock buildings it is staff's determination this subdivision plat can be approved.

STAFF REVIEW: Staff has reviewed this request for compliance with the requirements of the Subdivision Regulations and Zoning Ordinances. 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.

The property is currently zoned Agricultural-Preservation and therefore would not retain any development rights for non-agricultural uses, which is noted on the plat. The only prohibition against subdividing either A-P or A-G zoned land would be if it was for



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residential or commercial uses. The Zoning Ordinance does state that “once the farmstead is split off, neither the new lot nor the remaining farmland may be subsequently platted into small lots for any use other than farming, unless the land is first rezoned for the proposed land use.” The purpose of the farmstead regulations is to allow a farmer to split the original farmhouse from a farm but not to allow any second or third house to be split.

Zoning, Land Use, and Lot Layout

The proposed configuration of these tracts creates two lots for the construction of proposed hog confinement buildings and to allow them to be under separate ownership from the surrounding farm land. Since farm buildings are exempt from County Zoning and Building Codes these proposed buildings will be constructed under the Iowa DNRs jurisdiction.

Access and Roadway Improvements

The current proposed Plat shows the centerline for a thirty (30’) foot wide access easement in the location of the existing driveway for the existing farm buildings. However the easement ends at the northwest corner of Lot 1 and is not shown as extending to Lot 2. Staff would recommend at a thirty (30’) foot wide access easement be shown on Lot 1 to provide legal access to Lot 2.

The County Health Department and County Engineer did not have any comments or concerns with this plat. The County Assessor and County Auditor also did not have any comments with this request.

Staff has mailed notification to the adjacent property owners within five hundred feet (500’) of this property regarding this subdivision request. Staff has received a couple of phone calls requesting additional information on this proposed plat.

RECOMMENDATION: Staff recommends that the sketch plan and Final Plat for Boeding Subdivision be approved with the condition that the plat be amended to show an access easement extended across Lot 1 to Lot 2.

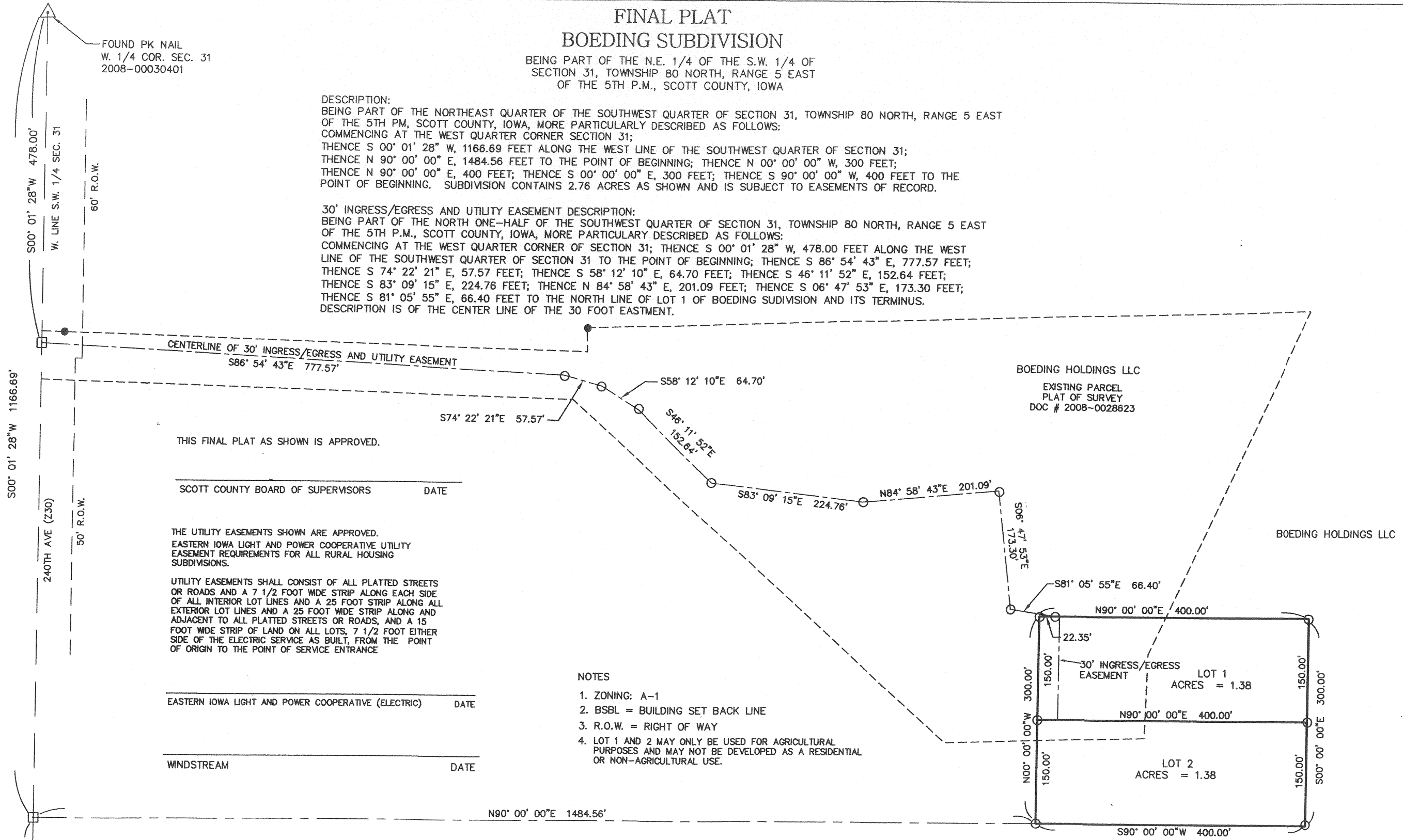
Submitted by:
Timothy Huey, Director
August 11, 2017

FINAL PLAT BOEDING SUBDIVISION

BEING PART OF THE N.E. 1/4 OF THE S.W. 1/4 OF
SECTION 31, TOWNSHIP 80 NORTH, RANGE 5 EAST
OF THE 5TH P.M., SCOTT COUNTY, IOWA

DESCRIPTION:
BEING PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 80 NORTH, RANGE 5 EAST OF THE 5TH PM, SCOTT COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE WEST QUARTER CORNER SECTION 31;
THENCE S 00° 01' 28" W, 1166.69 FEET ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 31;
THENCE N 90° 00' 00" E, 1484.56 FEET TO THE POINT OF BEGINNING; THENCE N 00° 00' 00" W, 300 FEET;
THENCE N 90° 00' 00" E, 400 FEET; THENCE S 00° 00' 00" E, 300 FEET; THENCE S 90° 00' 00" W, 400 FEET TO THE POINT OF BEGINNING. SUBDIVISION CONTAINS 2.76 ACRES AS SHOWN AND IS SUBJECT TO EASEMENTS OF RECORD.

30' INGRESS/EGRESS AND UTILITY EASEMENT DESCRIPTION:
BEING PART OF THE NORTH ONE-HALF OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 80 NORTH, RANGE 5 EAST OF THE 5TH P.M., SCOTT COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE WEST QUARTER CORNER OF SECTION 31; THENCE S 00° 01' 28" W, 478.00 FEET ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 31 TO THE POINT OF BEGINNING; THENCE S 86° 54' 43" E, 777.57 FEET;
THENCE S 74° 22' 21" E, 57.57 FEET; THENCE S 58° 12' 10" E, 64.70 FEET; THENCE S 46° 11' 52" E, 152.64 FEET;
THENCE S 83° 09' 15" E, 224.76 FEET; THENCE N 84° 58' 43" E, 201.09 FEET; THENCE S 06° 47' 53" E, 173.30 FEET;
THENCE S 81° 05' 55" E, 66.40 FEET TO THE NORTH LINE OF LOT 1 OF BOEDING SUBDIVISION AND ITS TERMINUS.
DESCRIPTION IS OF THE CENTER LINE OF THE 30 FOOT EASTMENT.



THIS FINAL PLAT AS SHOWN IS APPROVED.

SCOTT COUNTY BOARD OF SUPERVISORS DATE

THE UTILITY EASEMENTS SHOWN ARE APPROVED.
EASTERN IOWA LIGHT AND POWER COOPERATIVE UTILITY
EASEMENT REQUIREMENTS FOR ALL RURAL HOUSING
SUBDIVISIONS.

UTILITY EASEMENTS SHALL CONSIST OF ALL PLATTED STREETS
OR ROADS AND A 7 1/2 FOOT WIDE STRIP ALONG EACH SIDE
OF ALL INTERIOR LOT LINES AND A 25 FOOT STRIP ALONG ALL
EXTERIOR LOT LINES AND A 25 FOOT WIDE STRIP ALONG AND
ADJACENT TO ALL PLATTED STREETS OR ROADS, AND A 15
FOOT WIDE STRIP OF LAND ON ALL LOTS, 7 1/2 FOOT EITHER
SIDE OF THE ELECTRIC SERVICE AS BUILT, FROM THE POINT
OF ORIGIN TO THE POINT OF SERVICE ENTRANCE

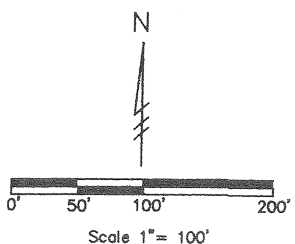
EASTERN IOWA LIGHT AND POWER COOPERATIVE (ELECTRIC) DATE

WINDSTREAM DATE

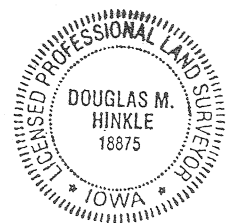
- NOTES
1. ZONING: A-1
 2. BSBL = BUILDING SET BACK LINE
 3. R.O.W. = RIGHT OF WAY
 4. LOT 1 AND 2 MAY ONLY BE USED FOR AGRICULTURAL PURPOSES AND MAY NOT BE DEVELOPED AS A RESIDENTIAL OR NON-AGRICULTURAL USE.

LOCATION: NE1/4 SW1/4 SEC 31, T80N, R5E
OWNER: BOEDING HOLDING LLC
FOR: BEN BOEDING
24480 250TH STREET
PRINCETON, IOWA 52768

PREPARED BY: DOUGLAS M. HINKLE
HINKLE ENGINEERING & SURVEYING
2100 CAMANCHE AVE.
CLINTON, IA. 52732
PHONE (563) 243-4027
FAX (563) 243-4029
Project Name: BOEDING SUBDIVISION
Project #: 16-1903



- LEGEND:
- SET 5/8" REBAR W/
BLUE CAP NO. 18875
 - SET MAG NAIL
 - FOUND 5/8" REBAR W/
YELLOW CAP NO. 5080
 - △ FOUND SECTION CORNER
 - 50.00' MEASURED DISTANCE
(50')



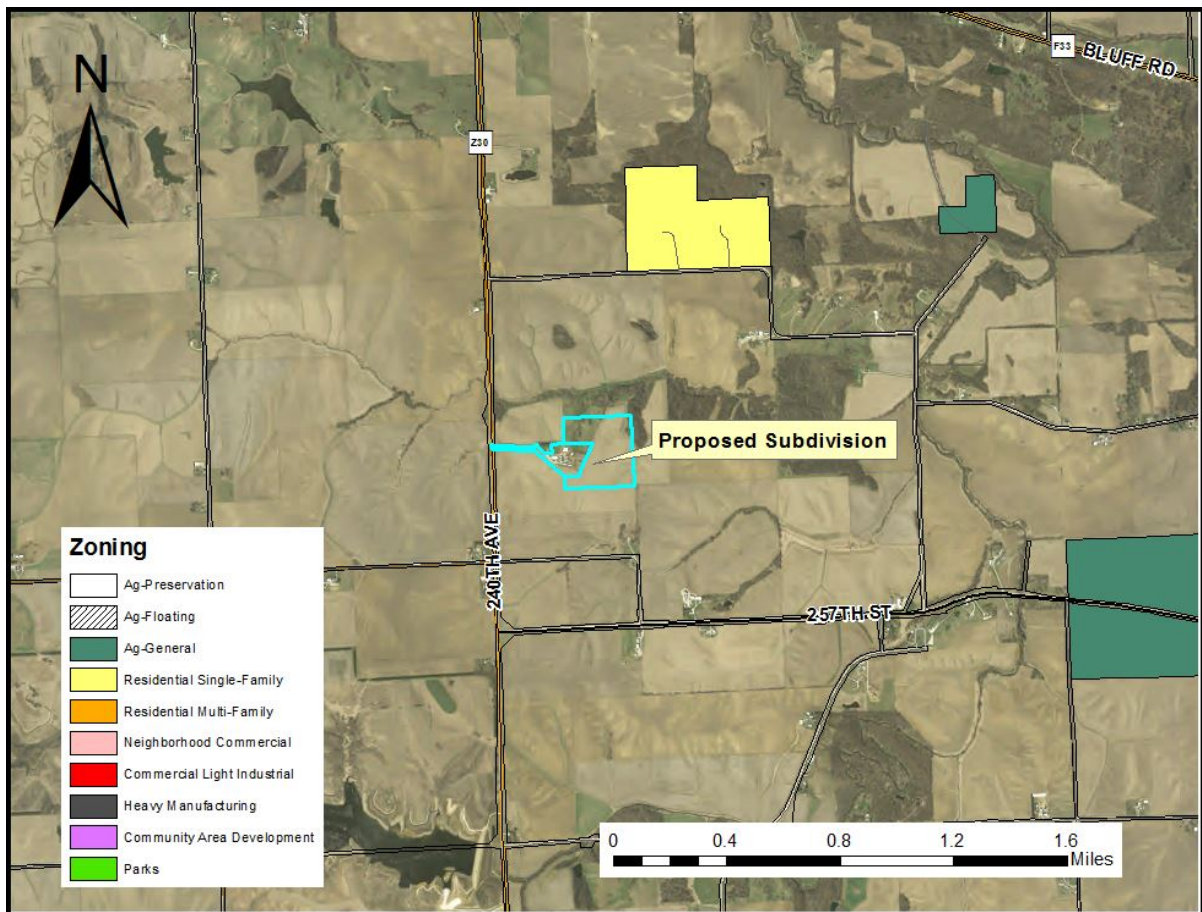
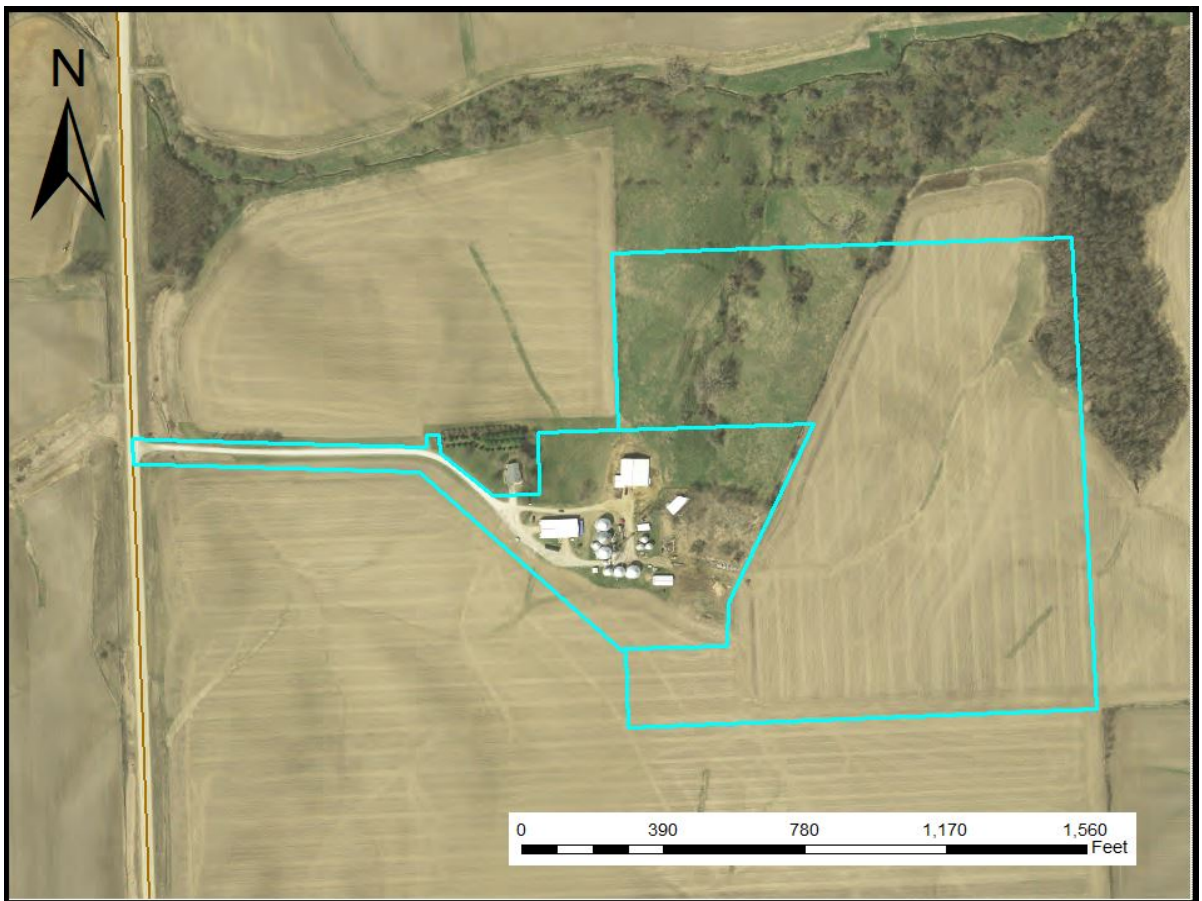
I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS
PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED
BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND
THAT I AM A DULY LICENSED LAND SURVEYOR UNDER
THE LAWS OF THE STATE OF IOWA.

D. M. Hinkle DATE: 8/11/2017

DOUGLAS M. HINKLE, L.L.S. IOWA REG. NO. 18875
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2017
PAGES OR SHEETS COVERED BY THIS SEAL, SHEET 1 OF 1

FOUND PK NAIL
W. 1/4 COR. SEC. 31
2008-00030401

FOUND PK NAIL
S.W. COR. SEC. 31
2010-00017167



CERTIFICATE OF APPROVAL BY SCOTT COUNTY

I, Carol Earnhardt, Chairman of the Scott County Board of Supervisors, do hereby certify that said Board adopted a Resolution on September 21, 2017 in which it approved the Final Plat of **Boeding Subdivision** as follows:

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

Section 1. As the local governing body responsible for the approval of subdivision plats within its rural jurisdiction, the Scott County Board of Supervisors has on this 21st day of September, 2017, considered the final plat of **Boeding Subdivision**. Said plat is a subdivision in Part of the NE ¼ of the SW ¼ of Section 31, T80N R5E (Princeton Township), Scott County, Iowa, more particularly described as follows: Commencing at the W ¼ corner Section 31; thence S 00°01'28" W, 1169.69 feet along the west line of the SW ¼ of Section 31; thence N 90°00'00" E, 1484.56 feet to the point of beginning; thence N 00°00'00" W, 300 feet; thence N 90°00'00" E, 400 feet; thence S 00°00'00" E, 300 feet; thence S 90°00'00" W, 400 feet to the point of beginning. The Scott County Board of Supervisors, having found said plat to be in substantial compliance with the provisions of Chapter 354, Code of Iowa and the Scott County Subdivision Ordinance, does hereby approve the final plat of **Boeding Subdivision**.

Section 2. The Board Chairman is authorized to sign the Certificate of Approval on behalf of the Board of Supervisors and the County Auditor to attest to his signature.

Section 3. This Resolution shall take effect immediately.

Signed this 21st day of September, 2017

SCOTT COUNTY, IOWA

BY: _____
Carol Earnhardt, Chair

ATTESTED BY: _____
Roxanna Moritz, 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
September 21, 2017
APPROVING THE FINAL PLAT OF BOEDING SUBDIVISION

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

Section 1. As the local governing body responsible for the approval of subdivision plats within its rural jurisdiction, the Scott County Board of Supervisors has on this 21st day of September, 2017 considered the final plat of **BOEDING SUBDIVISION**, a two- (2-) lot being Part of the NE ¼ of the SW ¼ of Section 31, T80N R5E (Princeton Township), Scott County, Iowa, more particularly described as follows: Commencing at the W ¼ corner Section 31; thence S 00°01'28" W, 1169.69 feet along the west line of the SW ¼ of Section 31; thence N 90°00'00" E, 1484.56 feet to the point of beginning; thence N 00°00'00" W, 300 feet; thence N 90°00'00" E, 400 feet; thence S 00°00'00" E, 300 feet; thence S 90°00'00" W, 400 feet to the point of beginning, and having found the same made in substantial accordance with the provisions of Chapter 354, Code of Iowa, and the Scott County Subdivision Ordinance, does hereby approve the final plat of said subdivision.

Section 2. The Board Chairman is authorized to sign the Certificate of Approval on behalf of the Board of Supervisors and the County Auditor to attest to his signature.

Section 3. This Resolution shall take effect immediately.