

Office Use Only	7/2/25	\$540-	PLC-25-28743
	Date Filed	Fee	Application Number



JOHNSON COUNTY, IOWA

APPLICATION FOR: SUBDIVISION PLAT APPROVAL



Application is hereby made for approval of a: ☐ Preliminary ☐ Final ☒ Combined  
subdivision plat on property located at (street address if available or layman's description):

Lying North of 255th St. NW, between 1598 & 1644 255th St. NW

Parcel Number(s): 0510352001 & 0510326001

Proposed Subdivision Name: Poverty Point Subdivision

The subdivision contains 42.83 total acres divided into 1 total lots as follows:

Buildable Lots: 1 Non-buildable outlots: \_\_\_\_\_

Total buildable acres: ~~42.80~~ 42.83 Total non-buildable acres: \_\_\_\_\_

Current Zoning: A Proposed Use of the Subdivision: Farm & Residence

Scott Ritter  
Name of Engineer/Surveyor

sritter@hart-frederick.com  
Contact Email and Phone

Mike Kennedy  
Name of Attorney

mkennedy@kennedylawyers.com  
Contact Email and Phone

The undersigned affirms that the information provided herein is true and correct. If applicant is not the owner, applicant affirms that the owner(s) of the property described on this application consent to this application being submitted, and said owners hereby give their consent for the office of Johnson County Planning, Development, and Sustainability to conduct a site visit and photograph the subject property.

William P. Lacina  
Name of Owner

Name of Applicant (if different)

1211 G St. Amana, IA. 52203  
Applicant Street Address (including City, State, Zip)

[Redacted Address]

Applicant Phone Applicant Email

W. Paul [Signature]  
Applicant Signature

**See back page for Application Submittal Requirements and Checklist**

**Applications should be emailed to [planning@johnsoncountyiowa.gov](mailto:planning@johnsoncountyiowa.gov) and delivered to the Planning, Development and Sustainability Office (913 South Dubuque Street, Iowa City, IA 52240)**

The following items must be submitted for the application to be complete. Incomplete applications will be returned and will not be considered until the next submission deadline. Once submitted, county staff will review the materials and request revisions (if necessary). Once all revisions and outside reviews have been received, the application will be placed on the next available Planning and Zoning Commission or Board of Supervisors agenda, as applicable.

If working with an engineer who can provide CAD or GIS line work, electronic submissions should be submitted in accordance with the department's electronic submission guidelines (see below). Preference is that electronic submission is provided prior to hard copy submission, but will be accepted until 12:00 p.m. the day after the submittal deadline.

**Initial each empty box below** to ensure you included all necessary information in the appropriate form for an application to be considered complete. Some items may require both electronic and physical copies.

Items Required	Electronic Copy (PDF unless otherwise noted)	Hard Copies (number specified)
✓ Application Fee (varies based on application. Fee: \$ 540 )		(1)
✓ This application form with all information completed	JSR	(3)
✓ Brief cover letter explaining the application and describing lots, road(s), provision of water, septic, etc.	JSR	(2)
✓ The subdivision plat conforming to all standards in subsection 8:2 of the UDO (optional: additional sheets such as a Right-of-Way Acquisition Plat)	JSR	(2)
✓ CAD line work of the plat, following the guidelines below	JSR	
✓ Sensitive Areas Analysis in compliance with the Sensitive Areas Ordinance, or an approved waiver	JSR	
✓ CAD line work of the Sensitive Areas Exhibit, following the guidelines below	NA	
✓ Stormwater Management Plan (including soil erosion and sediment control) in compliance with the Stormwater Management regulations, or an approved waiver	JSR	
✓ Proof of application to Johnson County Public Health for a Public Health Zoning Application	JSR	
✓ For subdivisions that propose to create a new access or upgrade an existing access to a public county road: copy of an approved ROW Permit (Access Permit) from Johnson County Secondary Roads	JSR	
✓ For Farmstead Splits: a list of parcel numbers of the parent farm and the book and page(s) recorded prior to December 1, 2000	NA	
✓ For Final Plats: As-Built drawings for installed infrastructure, including statement/certification from the engineer affirming that the as-built infrastructure conforms to the intent and design of the prelim plat	NA	
✓ CAD line work of stormwater infrastructure, following the guidelines below	NA	
For Combined and Final Plats: Unsigned, draft legal documents are due at the time of submittal unless otherwise noted below. Additional documents may be required based on the nature of the application.		
✓ 1. SIGNED Auditor's Certificate approving the subdivision name	JSR	(1)
✓ 2. SIGNED and notarized Resolution Affirming the Stability of the Road System		
3. draft Owner's Certificate	MR	
4. draft Title Opinion		
5. draft Treasurer's Certificate		
6. draft Subdivider's Agreement		
7. draft Fence Agreement		
8. Others as applicable (easement agreements, Homeowners Association docs, etc.)		

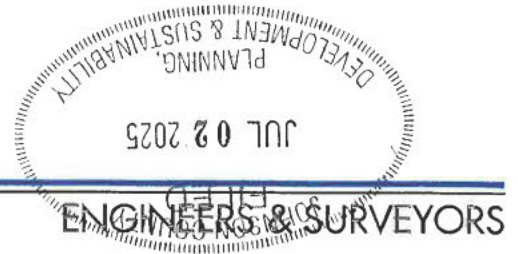
**Electronic Submission Requirements for CAD line work:**

- Must be in AutoCAD 2017 or older and .dwg format (.dxf is also acceptable, no .zip files will be accepted).
- Submissions must use Coordinate System: NAD\_1983\_StatePlane\_Iowa\_South\_FIPS\_1402\_Feet
- If applicable, submission should include information for Sensitive Areas Analysis/Mapping and Stormwater/Soil Erosion Control infrastructure on the site. This includes any limits of disturbance or other impact areas.
- Submission should NOT include legends, legal descriptions, location maps, signature blocks, etc.





HART-FREDERICK CONSULTANTS P.C.



26 June 2025

Mr. Josh Busard  
Johnson County Zoning Director

Re: Poverty Point Subdivision, for William Lacina,  
a Agricultural Subdivision

Dear Josh:

Attached please find the application and accompanying documents for a  
Agricultural Subdivision application for the Lacina's.  
At this time they would like to make this subdivision of this portion of their  
property for a future residence and area around. This subdivision has access  
to 255<sup>th</sup> St. NW, via an approved entrance, with water and septic to be  
established.

If you have questions or if you require further information you may contact  
myself, Attorney: Mike Kennedy or William Lacina.

Respectfully Submitted,

J. Scott Ritter, LLS  
Hart-Frederick Consultants P.C.

C: Mr. William Lacina  
Mr. Michael Kennedy  
HFCfile



# PLANNING, DEVELOPMENT AND SUSTAINABILITY

## PLANNING DIVISION



### WAIVER RESPONSE

Date: May 23, 2025

To: Hart-Frederick Consultants; Attn. Scott Ritter

From: Kasey Hutchinson, Environmental Regulations Coordinator

Re: Waiver Request, PPN 0510326001 & 0510352001

Recently, your firm submitted a request to waive the Stormwater Management and Sensitive Areas requirements for a subdivision, PPN 0510326001 & 0510352001. After review, the PDS Administrative Officer has issued the following decision regarding the request:

Request to waive Stormwater Management: **With Future Building Permit**

Stormwater management planning will be required with any future building permit or development application.

Request to waive Sensitive Areas: **Partial Approval**

- Waiver has been requested for all sensitive areas. Waiver has been approved for all sensitive areas with the exception of **wetlands**.
  - Due to the drainages as evidenced by the contours and aerial photographs, a desktop analysis is insufficient to rule out wetlands. Assessment results should be included in a sensitive areas report for the subdivision application.
- This subdivision is **exempt from the Historic Properties Requirements**.

Please contact me at [khutchinson@johnsoncountyiowa.gov](mailto:khutchinson@johnsoncountyiowa.gov) if you have any questions.

Respectfully,

Kasey Hutchinson  
Environmental Regulations Coordinator

Office Use Only		
	Date Filed	Application Number



**JOHNSON COUNTY, IOWA**  
**REQUEST FOR WAIVER: Sensitive Areas Ordinance**



Type of Development Application: Development Area for a Agricultural Subdivision  
 Street Address or Layman's Description: A portion of the SW 1/4 Sec. 10, T-80-N, R-8-W  
 Parcel Number(s): 0510326001 & 0510352001

Please check all sensitive areas for which waiver is being requested:

- |   |  |  |  |   |
|---|--|--|--|---|
| <input type="checkbox"/> Critical Wildlife Habitat                                | <input type="checkbox"/> Historic Properties   | <input type="checkbox"/> Prairie & Prairie Remnant | <input type="checkbox"/> Savanna & Savanna Remnant | <input type="checkbox"/> Significant Slopes |
| <input type="checkbox"/> Stream Corridors, Watercourses, and Surface Water Bodies | <input type="checkbox"/> Floodplain & Floodway | <input type="checkbox"/> Wetlands                  | <input type="checkbox"/> Woodlands                 |   |

**Justification for granting this waiver request should be attached hereto. See back of this page.**

The undersigned hereby requests waiver from the Sensitive Areas Ordinance requirements of the Johnson County Unified Development Ordinance in connection with this project, and affirms that the information provided herein is true and correct. If applicant is not the owner, applicant affirms that the owner(s) of the property described on this application consent to this waiver being submitted, and said owners hereby give their consent for the office of Johnson County Planning, Development, and Sustainability to conduct a site visit and photograph the subject property.

William Lacina

Name of Applicant

[Redacted]  
 Applicant Email Address

[Redacted]  
 Applicant Phone

[Signature]  
 Name of Owner (If different)

[Redacted]  
 Owner Email Address

1211 G St. Amana, IA. 52203

Owner Mailing Address (include City, State, Zip)

[Signature]  
 Applicant Signature

05/02/2025  
 Date

ADMINISTRATIVE OFFICER'S DECISION: ☐ APPROVE ☒ PARTIAL APPROVAL\*\* ☐ DENY

[Signature]  
 ADMINISTRATIVE OFFICER

5/23/2025  
 DATE

\*\*See accompanying letter for explanation for specific requirements.





Initial or check each item below to confirm that you are aware of the submittal requirements for a waiver request.  
application to be considered complete.



- A waiver request fee of \$50 due at time of submittal.
- A written narrative explaining the request.
- Supporting documentation to justify waiver approval for each sensitive area for which waiver is being requested (see below).

Examples of supporting information for each of the sensitive areas is listed below. Information additional to this may be necessary to sufficiently illustrate the absence of sensitive areas. If provided information does not confirm the absence of the sensitive area(s), the waiver request will be denied. The list below is meant to illustrate *potential* supporting information, and should not be construed as a complete list, or that including the provided items will guarantee waiver approval. Please initial or check each sensitive area for which material has been provided in support of the waiver request.



Critical Wildlife Habitat: documentation, such as aerial photographs, showing absence of potential habitat for Threatened and Endangered species.



Floodplain and Floodway: FEMA map showing absence of floodplain and floodway.



Historic Properties: letter from the Office of the State Archaeologist indicating that survey is not warranted. Residential subdivisions which propose no more than one buildable lot and no more than three outlots are exempt from Historic Properties requirements.



Prairie and Prairie Remnant: aerial photographs showing history of row crops.



Savanna and Savanna Remnant: aerial photographs showing absence of open-grown trees.



Significant Slopes: soil survey map showing absence of soils characterized by excessive slopes and/or contour map showing slopes less than 25%.



Stream Corridors, Watercourses, and Surface Water Bodies: U.S. Geological Survey Quadrangle Map showing absence of a blue line river, stream, or drainageway, and aerials showing the absence of watercourses and surface water bodies.



Wetlands: National Wetlands Inventory (NWI) map showing absence of wetlands, soil survey map showing absence of hydric soils, and contour map showing absence of a geomorphic setting supportive of wetlands (e.g. depression, drainageway, surface water body, etc.).



Woodlands: aerial photographs showing absence or sparse distribution of trees.

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**JOHNSON COUNTY, IOWA**  
**REQUEST FOR WAIVER: Storm-water Management Requirements**

Type of Development Application: Development Area for a Agricultural Subdivision  
 Street Address or Layman's Description: A portion of the SW 1/4 Sec. 10, T-80-N, R-8-W  
 Parcel Number(s): 0510326001 & 0510352001

**A written narrative explaining justification for granting this waiver request should be attached hereto.**

The undersigned hereby requests walver from the Stormwater Management Ordinance requirements of the Johnson County Unflid Development Ordinance In connection with this project, and affirms that the information provided herein is true and correct. If applicant is not the owner, applicant affirms that the owner(s) of the property described on this application consent to this waiver being submitted, and sald owners hereby give their consent for the office of Johnson County Planning, Development, and Sustainabilty to conduct a site visit and photograph the subject property.

William Lacina

[Redacted]  
 Applicant Email Address

[Redacted]  
 Applicant Phone

Name of Owner (If different)

Owner Email Address

1211 G St. Amana, IA. 52203

Owner Mailing Address (include City, State, Zip)

[Signature]  
 Applicant Signature

05/02/2025  
 Date

ADMINISTRATIVE OFFICER'S DECISION: ☐ APPROVE ☒ WITH BUILDING PERMIT\*\* ☐ DENY

[Signature]  
 ADMINISTRATIVE OFFICER

5/23/2025

DATE

\*\*Sediment and Erosion control, and Stormwater Management compllance will not be required with this development application, but will be required with any future building permits on this site.

Initial each item below to confirm that you are aware of the submittal requirements for a waiver request application to be considered complete.

       A waiver request fee of \$50 due at time of submittal.

       A written narrative explaining the request.

Sensitive Areas Review for:

Residential Subdivision

Parcel Numbers:

0510326001 & 0510352001

Oxford Township



Prepared for:

William Lacina

and

Johnson County Planning, Development & Sustainability

Prepared by:

Charles D. Schmidt

Hart-Frederick Consultants

July, 2025

A handwritten signature in black ink, appearing to read "C.D. Schmidt", written over a horizontal line.

Charles D. Schmidt

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
date

\_\_\_\_\_  
PDS Director

\_\_\_\_\_  
date





## **Sensitive Areas Report**

Waivers had been requested for all sensitive areas. The waivers have been approved for those sensitive areas requested with the exception of Wetlands. It is possible that the two grassed swales within the proposed new property could be potential wetlands.

This subdivision is exempt from Historic Properties requirements.

As directed by the Johnson County Environmental Coordinator, this report addresses the potential wetlands sensitive areas.

As a result of this assessment, it has been determined that there are no sensitive areas present on the site. Site photos are in Figure 2; their approximate locations & directions are shown on Figure 1.

### **Site Analysis**

Our analysis of the site consisted of the following features:

1. Description of the area of interest.
2. Desktop analysis.
  - a. NRCS Web soil survey.
  - b. Topographic map (blue line streams).
  - c. If the site is contiguous to other sensitive areas.
  - d. Past uses of the area: Historical photography.
3. Onsite analysis.
  - a. Current use of the area.
  - b. Assessment of onsite soils.
  - c. An evaluation of the presence, quality, and diversity of native plant wetland species.
  - d. An examination of hydrological characteristics of swales on the site.

### **Background Sensitive Areas Ordinance**

The intent of the Sensitive Areas Ordinance is to ensure that the development of land protects and preserves areas defined as "sensitive".



### Purpose of the Sensitive Areas Ordinance.

In seeking to achieve the goals defined in the Johnson County Land Use Plan the purpose of the SAO is to:

1. Protect and preserve areas of environmental concern (sensitive areas) while accommodating development and existing agricultural uses.
2. Implement the environmental goals of the Land Use Plan.
3. Encourage and recognize innovations that demonstrate good land stewardship.
4. Manage and conserve areas of unique or locally significant resources.
5. Prevent injury and damage from natural hazards (floods, erosion).
6. Prevent and minimize degradation of surface and groundwater.
7. Encourage higher density or clustering on non-sensitive areas of property to promote development that provides for open space.
8. Encourage incentives such as conservation easements with waivers on taxes for that portion of the property protected as sensitive areas or created as open space through the use of higher density conservation designs.
9. Provide a mechanism for on-site or off-site mitigation when it is not possible or feasible to avoid disturbance of a sensitive area during development.

### **Measurement of area to be considered**

The Johnson County PIV website shows the proposed split site to be extracted from two different parcels, 0510326001 (SW NW SW 10-80-8) & 0510352001 (NW SW SW 10-80-8). The proposed property split is 4.99ac (m/l) including the r.o.w. (see Figure 1).

### **Current Use of site:**

The north and south parts of the proposed 4.99ac lot are parts of two separate existing parcels. The north section of the proposed split property is not separated by any physical feature from the south section. With the exception of the grassed swales, the proposed split property was under cultivation at the time of our site visits. There are no trees on the proposed site. There are two grassed swales within the proposed new split.



### **Past Use of site:**

The historic photos (Figure 3) show that the site has been cultivated from the 1930's until today. From the 1930's onward there has never been buildings or trees on the site. The Andreas Atlas of 1875 (Figure 4) show the site was likely grassland.

### **Soils at site**

The online Web Soil Survey (Figure 5) shows that the soils at the site are Fayette silt loam. Fayette soils do not have a significant sand content; generally, less than 15%. Native vegetation of this soil is loess upland woodland. Fayette soils are not hydric.

Hydrologic Soil Group: C

Ecological site: F108XC505IA - Loess Upland Woodland

Hydric soil rating: No

### **Site contiguousness to other sensitive areas**

No sensitive areas (as defined by Section 8:3.4 of Chapter 8.3 of the Sensitive Areas Ordinance) are adjacent or contiguous to the property (Figure 1). Agricultural (cultivated) land surrounds the site boundaries.

### **Potential Sensitive Areas**

#### **Wetlands**

**Definition:** An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The diagnostic characteristics of wetlands are vegetation, hydric soils and hydrology.

The National Wetlands Inventory map (Figure 6) shows no wetlands on the site.





### Onsite analysis

**Soil:** Soil probes showed no free water to 20" at the three soil sample locations (see Figure 1). It is commonly accepted that the historical or normal high-water mark is delineated by redoximorphic (redox) features in the soil profile. Common redox features\* include grey-colored soil with rust-colored inclusions. No redoximorphic features were found within 20" of the surface. The soil analysis results were consistent with the description given for the Fayette series soil. Redoximorphic features are evidence of anaerobic conditions; those same conditions that are required for hydrophytic plant growth.

\*Hydric soil definition: "a soil that formed under conditions of saturation, flooding or ponding long enough during the growing season to develop anaerobic conditions in the upper part."

#### Soil profile #1

Depth"	color	texture	structure	redox
0-9	10YR 2/2	silt loam	mod. fine granular	none
9-12	10YR 3/1	silt loam	mod. med. Granular	none
12-22	10YR 2/1	silt loam	mod. Fine SubAng blocky	none

#### Soil profile #2

Depth"	color	texture	structure	redox
0-6	10YR 3/2	silt loam	mod. fine granular	none
6-10	10YR 5/1	silt loam	mod. med. Granular	none
10-20	10YR 2/1	silt loam	mod. fine SubAng blocky	none

#### Soil profile #3

Depth"	color	texture	structure	redox
0-9	10YR 3/1	silt loam	mod. fine granular	none
9-14	10YR 2/1	silt loam	mod. med. Granular	none
14-20	10YR 2/2	silt loam	mod. Fine SubAng blocky	none

**Hydrology:** There was no surface water in the drainage swale (Figure 2 site photos). No subsurface water was encountered to 20" at any of the soil probe sites. Historical photos show that the swales were cultivated and did not exist from 1994 to 2008; they.



**Plants:** Table 1 is a list of the plants in the swales. As shown in Table 1, only one of the plants in the swales (reed canary grass) were wetland plants. Reed canary grass is known to thrive in dry conditions once established. The grasses found within the swales are those often grown for hay production; photos from 2017 & 2024 show hay bales present in the swales. The vegetation in the swales has been both farmed and cut for hay.

**Table 1: List of plants in the grassed swales**

Common name	scientific name	CC <sup>1</sup>	<sup>2</sup> ind. Status
Orchard grass	<i>Dactylis glomerata</i>	0	FACU
Canada Thistle	<i>Cirsium arvense</i>	0	FACU
Common milkweed	<i>Asclepias syriaca</i>	1	FACU
Queen Anne's lace	<i>Daucus carota</i>	0	UPL
Oxeye daisy	<i>Leucanthemum vulgare</i>	0	UPL
Quack Grass	<i>Elymus repens</i>	0	FACU
Perennial ryegrass	<i>Lolium perenne</i>	0	FACU
Reed Canary grass	<i>Phalaris arundinacea</i>	1	FACW
Red fescue	<i>Festuca rubra</i> var.	0	FAC

<sup>1</sup>Coefficient of Conservation Chicago area, FQI = <1.0

<sup>2</sup><https://pubs.er.usgs.gov/search?q=midwest+wetland+plant+list>

**Table 2: Plant wetland indicator status**

CODE	DEFINITION	% OCCURRENCE
OBL	<b>Obligate:</b> Almost always occurs in wetlands under natural conditions in our region	99
FACW	<b>Facultative Wetland:</b> Usually occurs in wetlands but occasionally found in non-wetlands	67-98
FAC	<b>Facultative:</b> Equally likely to occur in wetlands and non-wetlands	34-66
FACU	<b>Facultative Upland:</b> Usually occurs in non-wetlands, but occasionally found in wetlands	33-1
UPL	<b>Upland:</b> Almost always occurs in non-wetlands under natural conditions in our region	<1



## Summary

1. The existing hydrology is not conducive to wetland formation.
2. Soil analysis did not reveal hydric soils to a depth of 20".
3. The majority of plants at the site were not hydrophytic plants.
4. Wetlands do not currently exist in the swales on the property.

## References:

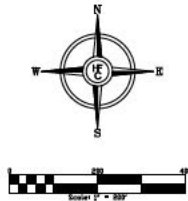
1. Johnson County Unified Development Ordinance  
[https://www.johnsoncountyiowa.gov/dept\\_zoning.aspx?id=5121](https://www.johnsoncountyiowa.gov/dept_zoning.aspx?id=5121)
2. Soil Survey of Johnson County, Iowa. United States Department of Agriculture, Natural Resources Conservation Service.  
[https://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/nrcseprd1316619.html](https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcseprd1316619.html)
3. NRCS hydric soils by county: <https://www.nrcs.usda.gov/publications/query-by-ssa.html>. FIELD OFFICE TECHNICAL GUIDE Sec. II
4. U.S Fish & Wildlife Service. National Wetlands Inventory  
<https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/>
5. United States Department of Agriculture, Natural Resources Conservation Service. State Soil Data Access (SDA) Hydric Soils List.  
[https://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/nrcseprd1316619.html](https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcseprd1316619.html)
6. Johnson County Property Information Viewer  
<https://gis.johnsoncountyiowa.gov/piv/>
7. Iowa Geographic Map Server: Andreas Atlas, 1875  
[https://ortho.gis.iastate.edu/client.cgi?zoom=700&x0=480039&y0=4652942&layer=naip\\_2017\\_nc&action=layerdrg24&pwidht=800&pheight=625](https://ortho.gis.iastate.edu/client.cgi?zoom=700&x0=480039&y0=4652942&layer=naip_2017_nc&action=layerdrg24&pwidht=800&pheight=625)
8. Floristic Quality Assessment (FQA) [https://universalfqqa.org/view\\_assessments](https://universalfqqa.org/view_assessments)
9. FQA Iowa: <http://iowaplants.com/flora/fqa.html>



DATE \_\_\_\_\_

I hereby certify that the 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 Professional Land Surveyor under the laws of the State of Texas.

Date
<p>L. Scott Hester, P.L.S.  License Number: 16546  My license renewal date is December 31, 2024.  This document was covered by this L.S. SHEET ONLY.</p>



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