INN COUNTY BOARD OF SUPERVISORS
MEETING AGENDA
Monday, January 6, 2020
10 a.m.
Formal Board Room—Jean Oxley Public Service Center
935 2nd St. SW, Cedar Rapids, IA

Call to Order

Public Comment: Five Minute Limit per Speaker
This comment period is for the public to address topics on today’s agenda.

Public Hearing and First Consideration on an ordinance to amend Chapter 103, Airport Zoning, of the Linn County Code of Ordinances, and adopt a new Chapter 104, Marion Municipal Airport Land Use and Height Overlay Zones

Public Hearing and First Consideration on an ordinance to amend the official zoning map of Linn County, Iowa to reflect the Marion Municipal Airport Land Use and Height Overlay Zones.

Public Hearing and First Consideration on an ordinance amending the Code of Ordinances, Linn County, Iowa by amending provisions in Chapter 107, Unified Development Code.

Discuss Iowa Department of Natural Resources (IDNR) Construction Evaluation Resolution to evaluate every construction permit application for a proposed confinement feeding operation structure received by the Board of Supervisors between February 1, 2020 and January 31, 2021.

Discuss a Vacancy Form requesting a Planner II for the Planning and Development Department

Discuss a Vacancy Form requesting a Senior Planner for the Planning and Development Department

Discuss and authorize Chair to sign request to submit a grant proposal to the Iowa Child Abuse Prevention Program (ICAPP), in the amount of up to $50,000.

Discuss quote from Election Systems and Software (ES&S) for the rental of a ballot scanner for the 2020 general election.

Update on the Future Line/LIFTS building renovation project

Discuss the proposed Second Amendment to Lease Agreement between Linn County and Abbe Center for Community Mental Health for part of the “Fillmore Building” located at 520 11th Street NW, Cedar Rapids.

Discuss and decide on Board of Supervisors committee and liaison assignments.

Minutes
Discuss and decide on meeting minutes.

Public Comment: Five Minute Limit per Speaker
This is an opportunity for the public to address the board on any subject pertaining to board business.
Payroll Authorizations
Discuss and decide on Employment Change Roster (payroll authorizations).

Claims
Discuss and decide on claims.

Correspondence

Legislative Update

Appointments

Closed Session
The Board will enter into closed session to discuss two separate items:

1) IBEW contract negotiations pursuant to Chapter 20, Code of Iowa and
2) Discuss pending litigation, pursuant to Iowa Code 21.5(1)(c).

1:30
Informal Board Room

Review of proposed Fiscal Year 2021 budgets for LIFTs offers, the Treasurer, and Court Administration

Other budget discussions if necessary.

Adjournment

For questions about meeting accessibility or to request accommodations to attend or to participate in a meeting due to a disability, please contact the Board of Supervisors office at 319-892-5000 or at bd-supervisors@linncounty.org.
Linn County Ordinance # __________________________

An ordinance amending the Linn County, Iowa Code of Ordinances by amending Chapter 103 and adopting Chapter 104

BE IT ENACTED by the Board of Supervisors, Linn County, Iowa:

SECTION 1. SEE ATTACHMENT A

SECTION 2. CONFLICTING REGULATIONS. In accordance with Section 329.8, Code of Iowa, where there exists a conflict between any of the regulations or limitations prescribed in this ordinance and any other regulations applicable to the same area, whether the conflict be with respect to height or structures, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

SECTION 3. SEVERABILITY. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. SAVING. The Code of Ordinances, Linn County, Iowa, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in effect after its final passage, approval and publication as provided by law.


Second consideration on the 8th day of January, 2020.
Third and final passage on the ___ day of ________________, 2020.

Published in the Gazette on the _____ day of ________________, 2020.

LINN COUNTY BOARD OF SUPERVISORS

________________________________________
Chairperson

________________________________________
Supervisor

________________________________________
Supervisor

ATTEST:

________________________________________
Joel D. Miller, Linn County Auditor

STATE OF IOWA  
)  
COUNTY OF LINN  
)

I, _________________________________, County Auditor of Linn County, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance passed by the Linn County Board of Supervisors at a regular meeting of said Board held on ______________________, 2020 and published as provided by law on ______________________, 2020.

________________________________________
Linn County Auditor

Subscribed and sworn to me this _____ day of ____________, 2020.

________________________________________
Notary Public, State of Iowa
ATTACHMENT A

AN ORDINANCE AMENDING THE LINN COUNTY CODE OF ORDINANCES

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF LINN COUNTY, IOWA:

Section 1. That Chapter 103 be amended as follows:

Chapter 103 – Airport Zoning be renamed to Eastern Iowa Airport Zoning.

Sec. 103-1. – Short Title shall be amended to read:

These regulations shall be known and may be cited as the "Eastern Iowa Airport Zoning Regulations".

Section 2. That Chapter 104, Marion Municipal Airport Land Use and Height Overlay Zoning, be created as follows:

Sec. 104-1. – Short Title.

This ordinance shall be known and may be cited as the Marion Municipal Airport Land Use and Height Overlay Zoning, and it is referred to as the "Ordinance" within the following sections.

Sec. 104-2. – General.

The Marion Municipal Airport Land Use and Height Overlay Zoning is created by the City of Marion and Linn County, as a result of the adoption of this Chapter. This ordinance shall regulate and restrict the height of structures, objects, and growth of natural vegetation, as well as land uses, within the vicinity of the Marion Municipal Airport and the projected growth of the airport as detailed in the Airport Layout Plan as amended from time to time. The creation of appropriate overlay zoning and establishing the boundaries of the individual zones, as well as providing for changes in the restrictions and boundaries of such a district is vested in this ordinance. The Marion Municipal Airport Land Use and Height Overlay Zoning Map is incorporated into and made part of this ordinance. The ordinance also provides for the enforcement of the ordinance, the establishment of the Airport Board of Adjustment, and the imposition of penalties related to the implementation of the ordinance.

Sec. 104-3. - Authority.

Iowa Code § 329.3 Airport Zoning empowers local municipalities to zone airports including height and land use restrictions.

Sec. 104-4 - Statement of Intent and Purpose.

A. The Marion Municipal Airport is acknowledged as an essential public facility to the State of Iowa and the local community.

B. The creation or establishment of an airport hazard is a public nuisance and poses a potential concern to the surrounding individuals and businesses served by the Marion Municipal Airport.

C. It is the responsibility of the City of Marion and Linn County to ensure that there shall be no creation or establishment of a hazard that endangers public health, safety, welfare, and impacts an individual's quality of life or prevents the safe movement of aircraft at the Marion Municipal Airport.

D. For the protection of the public health, safety, and general welfare, and for the
promotion of the most appropriate use of land, it is necessary to prevent the creation or establishment of airport hazards.

E. The prevention of airport hazards shall be accomplished, to the extent legally possible, by proper exercise of police power.

Sec. 104-5. - Applicability.

This ordinance encompasses a general area around the Marion Municipal Airport. Specific dimensions associated with the zoning boundary are shown in the Marion Municipal Airport Land Use and Height Overlay Zoning Map.

Sec. 104-6. - Definitions.

A. Airport. (FAA FAR Sec. 152.3) Any areas of land or water that is used, or intended for use, for the landing and takeoff of aircraft. Any appurtenant areas that are used, or intended for use, for airport buildings, other airport facilities, or rights-of-way; and all airport buildings and facilities located on the areas specified in this definition. The Marion Municipal Airport is owned by the City of Marion, Iowa.

B. Airport Elevation. (FAA AC 150/5190-4A) The highest point on an airport's usable landing area measured in feet from sea level.

C. Airport Hazard. (FAA FAR Sec. 152.3) Any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near a public airport that obstruct the airspace required for the flight of aircraft landing or taking off at the airport; or is otherwise hazardous to aircraft landing or taking off at the airport.

D. Airport Layout Plan (ALP). (FAA FAR Sec. 152.3) The plan of an airport showing the layout of existing and proposed airport facilities.

E. Airport Overlay Zones. A zone intended to place additional land use conditions on land impacted by the airport while retaining the existing underlying zone. The FAR Part 77 Surfaces and FAA Advisory Circular 150/5300-13 defined Runway Protection Zones have been combined to create five airport zones. The five specific zones create a comprehensive area focused on maintaining compatible land use around airports.

1) Zone A [Runway Protection Zone] - is intended to provide a clear area that is free of above ground obstructions and structures. This zone is closest to the individual runway ends.

2) Zone B [Approach Surface] - is a critical overlay surface that reflects the approach and departure areas for each runway at an airport. The size of Zone B is predicated upon the type of approach (visual, non-precision, or precision) that a specific runway has and the type/size of aircraft utilizing the runway.

3) Zone C [Transitional Surface] - includes those areas that are parallel to the runway pavement and extend from the edge of the primary surface.

4) Zone D [Horizontal Surface] - is typically elliptical in shape, depending upon the runway types and configurations at an individual airport.

5) Zone E [Conical Surface] - is the outermost zone of the overlay areas and has the least number of land use restriction considerations. Zone E begins at the edge of the horizontal surface and is 4,000 feet in width paralleling the horizontal surface.

F. Airport Zoning Permit. Airport zoning permit allowing new development or alteration or expansion of a nonconforming use.

G. Airspace. The space lying above the earth or above a certain area of land or water that is necessary to conduct aviation operations.

H. Airport Land Use and Height Overlay Zoning Map. The Marion Municipal Airport Land Use and Height Overlay Zoning Map is compiled from the criteria in FAR Part 77, "Objects Affecting
Navigable Airspace.* It shows the area affected by the Marion Municipal Airport Land Use and Height Overlay Zoning, and includes the layout of runways, airport boundaries, elevations of Overlay Zones. Applicable height limitation areas are shown in detail.

I. Approach Slope. (FAR Part 77) The ratio of horizontal to vertical distance indicating the degree of inclination of the Approach Surface. The ratio is 34:1 for all runways extended from the primary surface a distance of 10,000 feet.

J. Approach Surface. (FAA AC 150/5190-4A) A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in this Ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

K. Compatibility. The degree to which land uses or types of development can coexist or integrate.

L. Easement. (FAA AC 5020-1) The legal right of one party to use a portion of the total rights in real estate owned by another party. This may include the right of passage over, on, or below property; certain air rights above the property, including view rights; and the rights to any specified from of development or activity, as well as any other legal rights in the property that may be specified in the easement document.

M. Federal Aviation Administration (FAA). A federal agency charged with regulating air commerce to promote its safety and development; encourage and develop civil aviation, air traffic control, air navigation; and promoting the development of a national system of airports.

N. Federal Aviation Administration Advisory Circular (FFA AC). Advisory circular (AC) refers to a type of publication offered by the Federal Aviation Administration (FAA) to provide guidance for compliance with operational standards.

O. Federal Aviation Regulations (FAR). (FAA FAR) Regulations established and administered by the FAA that govern civil aviation and aviation-related activities.

1) FAR Part 36. (FAR FAR Sec. 36.1) Regulation establishing noise standards for civil aviation fleet.

2) FAR Part 91. (FAR FAR Sec. 91.1) Regulation pertaining to air traffic and general operating rules, including operating noise limits.

3) FAR Part 150. (FAR FAR Sec. 150.1) Regulation pertaining to airport noise compatibility planning.

4) FAR Part 161. (FAR FAR Sec. 161.1) Regulation pertaining to notice and approval of airport noise and access restrictions.

5) FAR Part 77. (FAR FAR Sec. 77.1) Objects Affecting Navigable Airspace - Part 77 (a) establishes standards for determining obstructions in navigable airspace; (b) defines the requirements for notice to the FAA Administrator of certain proposed construction or alteration; (c) provides for aeronautical studies of obstructions to air navigation to determine their effect on the safe and efficient use of airspace; (d) provides for public hearings on the hazardous effect of proposed construction or alteration on air navigation; and (e) provides for establishing antenna farm areas.

P. General Aviation Airport. Any airport that is not an air carrier airport or a military facility.

Q. Height. Height is utilized for the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the official Marion Municipal Airport Land Use and Height Overlay Zoning Map; height shall be measured as the highest point of a structure, tree, or other object of natural growth, measured from the mean sea level elevation unless otherwise specified.

R. Imaginary Surfaces. (FAR FAR Part 77.25) Those areas established in relation to the airport and each runway consistent with FAR Part 77 in which any object extending above these imaginary surfaces, by definition, is an obstruction.

S. Transitional Surface. The transitional surface extends outward and upward at right angles to the runway centerline and extends at a slope of seven feet horizontally for each one foot vertically (7:1) from the sides of the primary and approach surfaces. The transitional surfaces extend to
the point at which they intercept the horizontal surface at a height of 150 feet above the established airport elevation.

T. Horizontal Surface. The horizontal surface is a horizontal plane located 150 feet above the established airport elevation and encompasses an area from the transitional surface to the conical surface. The perimeter is constructed by generating arcs from the center of each end of the primary surface and connecting the adjacent arcs by lines tangent to those arcs.

U. Conical Surface. The conical surface extends upward and outward from the periphery of the horizontal surface at a slope of 20 feet horizontally for every one foot vertically (20:1) for a horizontal distance of 4,000 feet.

V. Approach Surface. The approach surface is longitudinally centered on an extended runway centerline and extends outward and upward from the end of the runway primary surface.

W. Incompatible Land Use. (FAA FAR Sec. 150.7) The use of land which is normally incompatible with the aircraft and airport operations (such as, but not limited to, homes, schools, nursing homes, hospitals, and libraries).

X. Land Use Compatibility. The coexistence of land uses surrounding the airport with airport-related activities.

Y. Lighting and Marking of Hazards to Air Navigation. Installation of appropriate lighting fixtures, painted markings or other devices to such objects or structures that constitute hazards to air navigation.

Z. Mitigation. The minimization, reduction, elimination or compensation for adverse environmental effects of a proposed action.

AA. Noise Impact. A condition that exists when the noise levels that occur in an area exceed a level identified as appropriate for the activities in that area.

BB. Noise Sensitive Area. (FAA AC 91-36D) Defined as an area where noise interferes with normal activities associated with the area's use. Examples of noise-sensitive areas include residential, educational, health, and religious structures and sites, and parks, recreational areas (including areas with wilderness characteristics), wildlife refuges, and cultural and historical sites where a quiet setting is a generally recognized feature or attribute.

CC. Nonconforming Use. (FAA Web site) Any pre-existing structure, tree, or use of land that is inconsistent with the provisions of the local land use or airport master plans.

DD. Object. (FAA AC 150/5300-13) Includes, but is not limited to above ground structures, navigational aids, people, equipment, vehicles, natural growth, terrain, and parked aircraft.

EE. Obstruction. (FAA AC 150/5190-4A) Any structure, growth, or other object, including a mobile object, which exceeds a limiting height, specific to its geographic location relative to the runway/airport.

FF. Overlay Zone. A mapped zone imposing requirements in addition to those of the underlying zoning district.

GG. Primary Surface. (FAA AC 15 0/5190-4A) A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in FAR Part 77. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

HH. Primary Runway. (FAA AC 150/5325-4B) The runway used for the majority of airport operations. Large, high-activity airports may operate two or more parallel primary runways.

II. Public Use Airport. (FAA AC 150/5190-6) Means either a publicly owned airport or a privately-owned airport open for public use.

JJ. Runway Protection Zone (RPZ). (FAA AC 150/5300-13) An area off the runway end designed to enhance the protection of people and property on the ground.
KK. Structure. Any object constructed or installed by humans, including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines, including the poles or other structures supporting the same.

LL. Variance. An authorization for the construction or maintenance of a building or structure, or for the establishment or maintenance of a use of land that is prohibited by a zoning ordinance. A lawful exception from specific zoning ordinance standards and regulations predicated on the practical difficulties and/or unnecessary hardships by the petitioner being required to comply with the regulations and standards from which a variance is sought.

MM. Visual Approach. An approach to an airport conducted with visual reference to the terrain.

NN. Visual Runway. (FAA AC 160/5300-13) A runway without an existing or planned straight-in instrument approach procedure.

OO. Wildlife Hazards. Wildlife (birds, mammals, reptiles), including feral animals and uncontrolled domesticated animals associated with aircraft strike problems, and capable of causing structural damage to airport facilities or attractants to other wildlife that pose a strike hazard.

Sec. 104-7. - Airport Land Use and Height Overlay Zoning Map.

The Marion Municipal Airport Land Use and Height Overlay Zones established by this ordinance are shown on the Marion Municipal Airport Land Use and Height Overlay Zoning Map attached as Exhibit A to Chapter 104. Such official Marion Municipal Airport Land Use and Height Overlay Zoning Map may be amended, and all notations, references, elevations, data, zone boundaries, and other information included in the maps are adopted as part of this Ordinance.

Sec. 104-8. - Airport Zoning Requirements.

In accordance with Section 329.10, Iowa Code, there are three (3) principal airport zoning requirements supported by additional information contained within the following remaining sections of this ordinance. These basic zoning requirements state:

A. All airport zoning regulations adopted under this ordinance shall be reasonable and none shall impose any requirement or restriction that is not necessary to make effective the purposes of this ordinance.

B. Airport zoning regulations adopted under this ordinance may require the following:

1) The removal, lowering, or other change or alteration of any structure or tree, or a change in use, non-conforming to the regulations when adopted or amended.

2) A property owner to permit the City of Marion to install, operate, and maintain on the property markers and lights as necessary to indicate to operators of aircraft the presence of the airport hazard, when adopted or amended.

C. All such regulations may provide that a preexisting nonconforming structure, tree, or use, shall not be replaced, rebuilt, altered, allowed to grow higher, or replanted, so as to constitute a greater airport hazard than it was when the airport zoning regulations or amendments to the regulations were adopted.

The City of Marion will be responsible for the initial removal of trees, structures, or other natural or man-made obstructions that are not conforming to the regulations of this ordinance when adopted or amended. Any subsequent alterations or removal of any natural or man-made obstructions to the Marion Municipal Airport or its airspace will be responsibility of the property owner.

Sec. 104-10. – Nonconformities

A. It is the intent of this ordinance to permit legal nonconforming buildings, structures, or natural resources to continue until they are removed but not to encourage their continuance, unless such nonconforming use is determined by the FAA to be a hazard within one of the airport zones and must be altered or changed in accordance with FAA regulations. It is further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used to add other nonconforming structures prohibited elsewhere in the defined airport zones.

B. In accordance with Section 329.10, Iowa Code, and as stated above, any preexisting nonconforming structure, tree, or land use, shall not be replaced, rebuilt, altered, allowed to grow higher, or replanted, so as to constitute a greater airport hazard than it was when the airport zoning regulations or amendments to the regulations were adopted. With that stated, where a lawful building or structure exists prior to the effective date of adoption or amendment of this ordinance that cannot be built under the terms of this airport ordinance by reason of restrictions on height or land use compatibility, such structure may be continued so long as it remains otherwise lawful and in compliance with FAA regulations; subject to the following provisions:

1) No such nonconforming structure may be enlarged or altered in a way that increases its nonconformity. Such structure may be enlarged or altered in a way that does not increase its nonconformity.

2) Should such nonconforming structure be destroyed by any means to an extent of more than seventy-five percent (75%) of its replacement cost, it shall be reconstructed only in conformity with the provisions of this airport ordinance.

3) Should any nonconforming structure be moved within the boundaries of any of the five (5) airport zones for any reason or for any distance whatever, it shall thereafter conform to the regulations of this airport zoning ordinance.

4) Discontinuance. In the event a nonconforming building, structure or use is discontinued for a period of one (1) year, the height or land use compatibility shall conform thereafter to the provisions of this airport zoning ordinance.

C. On any nonconforming building or structure, work may be done on ordinary repairs or replacement of non-bearing walls not exceeding seventy-five percent (75%) of the assessed value of the building, provided the cubic content of the
building shall not be increased.

D. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety upon orders of such official.

E. There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, buildings or structures.

Sec. 104-11. - Establishment of Airport Overlay Zones.

A. FAR Part 77 Surfaces and the Runway Protection Zones have been combined to create five airport overlay zones. These five zones are designed to maintain compatible land uses around the Marion Municipal Airport. Specific dimensions for the individual zones for each runway end are noted in the following tables and text. The Marion Municipal Airport Land Use and Height Overlay Zoning Map should be consulted to determine the specific area of the impact associated with each zone.

1) Airport Overlay - Zone A: Runway Protection Zone (RPZ). Zone A is intended to provide a clear area that is free of above-ground obstructions and structures. This Zone is closest to the individual runway ends. The dimensional standards for Zone A are shown in Table 1.

<table>
<thead>
<tr>
<th>Approach Visibility</th>
<th>Approach Visibility Minimums</th>
<th>Dimensions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Aircraft Approach Categories A &amp; B</td>
<td>Length L feet, Inner Width W1 feet, Outer Width W2 feet, RPZ Acres</td>
</tr>
<tr>
<td>Visual and not lower than 1-Mile</td>
<td>1,000, 500, 800, 14.92</td>
<td></td>
</tr>
</tbody>
</table>

1 The RPZ Dimensional standards are for the runway end with the specialized approach visibility minimums. The departure RPZ dimensional standards are equal to or less than the approach RPZ dimensional standards. When an RPZ begins other than 200 feet (60 m) beyond the runway end, separate approach and departure RPZs should be provided. Refer to FAA AC 150/5300-13 Change 11, Appendix 14 for approach and departure RPZs.

2) Airport Overlay - Zone B: Approach Surface. Zone B is a critical airport zoning surface that reflects the approach and departure areas for each runway at an airport. The size of Zone B is predicated upon the type of approach (visual, non-precision, or precision) that a specific runway has and the type/size of aircraft utilizing the runway. The following table illustrates the various sizes of Zone B based upon the specific runway criteria. A portion of Zone B is overlain by Zone A because the Approach Surface and RPZ overlap the entire length of the RPZ. Consequently, the length of Zone B begins at the inner edge of the RPZ. This district is centered on the extended runway centerline and extend outward and upward from the end of the runway primary surface at a slope 34 horizontal to 1 vertical (34:1) for the ultimate Approach Surface. Table 2 illustrates the size of Zone B.

3) Airport Overlay - Zone C: Transitional Surface. Zone C provides an area, relatively free of obstructions, that are in closest proximity, laterally to the runway environs. Zone C includes those areas that are parallel to the runway pavement and extend 1,050 feet from the edge of the primary surface parallel to the runway and extended runway centerline until they reach the end of Zone A at a 90-degree angle and extend to intersect with Zone B. This Zone extends outward and upward at right angles to the runway centerline and extends at a slope of seven feet horizontal for one foot vertical (7:1) from the sides of the primary and approach surfaces. Table 2 illustrates the
size of Zone C based upon the specific runway criteria.
a. The west side of Zone C shall extend from 125’ west of the runway centerline to 1091’
west of the runway centerline, the east side of Zone C shall extend from 250’ east of the
runway centerline to 1,216’ east of the runway centerline.

4) Airport Overlay - Zone D: Horizontal Surface. This Zone follows horizontal surface plane located
150 feet above the established airport elevation and encompasses an area from the transitional
surface to the conical surface. This Zone is elliptical in shape, the radius of which is 10,000 feet
from the edge of the primary surface. Table 2 illustrates the size of Zone D based upon the
specific runway criteria.

5) Airport Overlay - Zone E: Conical Surface. This Zone has the least number of land use restrictions.
Zone E extends upward and outward from the periphery of the Horizontal Surface at a slope of 20
feet horizontal for one foot vertical (20:1) for a horizontal distance of 4,000 feet from Zone D.
Table 2 illustrates the size of Zone E based upon the specific runway criteria.

<table>
<thead>
<tr>
<th>Item</th>
<th>Runway Dimensional Standards (feet)</th>
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<tbody>
<tr>
<td></td>
<td>Runway 17</td>
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<tr>
<td>Primary Surface Width</td>
<td>500</td>
</tr>
<tr>
<td>Zone B - Inner Width</td>
<td>500</td>
</tr>
<tr>
<td>Zone B - end width</td>
<td>3,500</td>
</tr>
<tr>
<td>Zone B - Length</td>
<td>10,000</td>
</tr>
<tr>
<td>Zone C - width</td>
<td>1,050</td>
</tr>
<tr>
<td>Zone D - radius</td>
<td>10,000</td>
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<tr>
<td>Zone E - width</td>
<td>4,000</td>
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</tbody>
</table>

Sec. 104-12. - Airport Overlay Zone Land Use Compatibility

A. Underlaying zoning district classifications shall dictate permitted, accessory and
conditional land uses. Table 3 identifies land uses within the underlying zoning districts
which are compatible, not compatible or require additional review:

1) Uses identified as COMPATIBLE shall be considered permitted uses and shall not require
additional review.

2) Uses found to be NOT COMPATIBLE shall be considered prohibited uses and shall be
precluded from development within the specific zones.

3) Uses found to require ADDITIONAL REVIEW shall be evaluated for general compatibility by
the Airport Zoning Administrator for potential conflicting land uses or potential negative
effects that may need to be mitigated. If after review by the Airport Zoning Administrator all
conditions have been addressed the Zoning Permit shall be issued. Consideration should be
given to the following five areas when additional review is required:

a. Noise sensitive related issues
b. High concentrations of people
c. Tall structures
d. Visual obstructions
e. Wildlife and bird attractants
Table 3: Airport Land Use Table

<table>
<thead>
<tr>
<th>Land Uses</th>
<th>Zone A</th>
<th>Zone B</th>
<th>Zone C</th>
<th>Zone D</th>
<th>Zone E</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Activities</td>
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<tr>
<td>Detached Single Family Dwelling (i.e. farm dwelling, detached single</td>
<td>NC</td>
<td>AR</td>
<td>NC</td>
<td>C</td>
<td>C</td>
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<tr>
<td>family house, manufactured/modular/mobile homes if converted to real</td>
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<td>property and taxed)</td>
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<td>Two Family Uses (i.e. two principal dwelling units within one building</td>
<td>NC</td>
<td>AR</td>
<td>NC</td>
<td>C</td>
<td>C</td>
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<td>on the same parcel)</td>
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<tr>
<td>Multi-Family Uses (i.e. three or more principal dwelling units within</td>
<td>NC</td>
<td>NC</td>
<td>NC</td>
<td>C</td>
<td>C</td>
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<td>a single building on the same parcel, apartments such as condominiums,</td>
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<td>elder assisted living, townhouse-style)</td>
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<td>Group Living Uses (i.e. assisted living, group care facilities, nursing</td>
<td>NC</td>
<td>NC</td>
<td>NC</td>
<td>C</td>
<td>C</td>
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<td>and convalescent homes, independent group living)</td>
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<td>Manufactured Housing Parks</td>
<td>NC</td>
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<tr>
<td>Commercial Activities</td>
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<tr>
<td>General Office (i.e. professional office, financial business, government</td>
<td>NC</td>
<td>AR</td>
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<td>offices)</td>
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<tr>
<td>Sales-Oriented (i.e. appliances, convenience stores, bakeries, electronics</td>
<td>NC</td>
<td>AR</td>
<td>AR</td>
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<td>C</td>
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<tr>
<td>, furniture, garden supplies, gas stations, groceries, hardware, malls,</td>
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<td>strip malls, videos)</td>
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<tr>
<td>Personal Service-Oriented (i.e. retail service-banking establishments,</td>
<td>NC</td>
<td>AR</td>
<td>AR</td>
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<tr>
<td>laundromats/dry cleaning, quick printing services, beauty/tanning salons,</td>
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<td>funeral homes)</td>
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<tr>
<td>Repair-Oriented (i.e. consumer goods-electronics, office equipment,</td>
<td>NC</td>
<td>AR</td>
<td>AR</td>
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<td>appliances)</td>
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<tr>
<td>Hospitality-Oriented (hotels, motels, convention centers, meeting halls,</td>
<td>NC</td>
<td>NC</td>
<td>NC</td>
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<td>event facilities)</td>
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<tr>
<td>Outdoor Storage and Display-Oriented (i.e. outdoor storage-lumber yards,</td>
<td>NC</td>
<td>AR</td>
<td>AR</td>
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<tr>
<td>vehicles sales, landscape material and nursery product sales, farm supply</td>
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<td>and equipment sales)</td>
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<td>Land Uses</td>
<td>Zone A</td>
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<tr>
<td><strong>Industrial/Manufacturing Activities</strong></td>
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<tr>
<td>Industrial Service Uses (i.e. machine shops, tool repair, towing and</td>
<td>NC</td>
<td>AR</td>
<td>AR</td>
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<tr>
<td>vehicle storage, building supply yards, heating/plumbing/electrical</td>
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<td>contractors, exterminators, janitorial services, fuel oil distributors,</td>
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<td>solid fuel yards)</td>
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<tr>
<td>General Manufacturing (i.e. manufacturing, compounding, assembling or</td>
<td>NC</td>
<td>AR</td>
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<td>treatment of most articles, materials, or merchandise)</td>
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<tr>
<td>Heavy Manufacturing (i.e. concrete and asphalt plants, meat packing</td>
<td>NC</td>
<td>NC</td>
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<td>plants, wet corn milling, manufacturing of animal feed, paper/paperboard</td>
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<td>mills, ethanol plants)</td>
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<tr>
<td>Mining and Extraction Uses</td>
<td>NC</td>
<td>NC</td>
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<td>AR</td>
<td>C</td>
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<tr>
<td>Salvage Operations (i.e. firms that collect, store, and dismantle</td>
<td>NC</td>
<td>NC</td>
<td>AR</td>
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<td>damaged or discarded vehicles, machinery, appliances, and building</td>
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<td>material)</td>
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<td>Warehouse and Freight Uses (i.e. major wholesale distribution centers,</td>
<td>NC</td>
<td>AR</td>
<td>AR</td>
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<td>general freight storage, railroad switching yards, bus/railcar storage</td>
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<td>lots, parcel service, grain terminals)</td>
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<td>Waste-Related Uses (i.e. recycling centers, sanitary landfills, waste</td>
<td>NC</td>
<td>NC</td>
<td>NC</td>
<td>AR</td>
<td>C</td>
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<tr>
<td>transfer stations, composting, energy recovery plants, sanitary and</td>
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<td>water treatment facilities, sanitary collection/pumping facilities,</td>
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<td>hazardous waste collection sites)</td>
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<td>Warehouse and Freight Uses (i.e. major wholesale distribution centers,</td>
<td>NC</td>
<td>C</td>
<td>AR</td>
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<tr>
<td>general freight storage, railroad switching yards, bus/railcar storage</td>
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<td>lots, parcel service, grain terminals)</td>
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<tr>
<td>Wholesale Sales Uses (i.e. sale, lease, or rental of products to</td>
<td>NC</td>
<td>AR</td>
<td>AR</td>
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<td>C</td>
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<tr>
<td>retailers for industrial, institutional, or commercial business users)</td>
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<td><strong>Institutional Activities</strong></td>
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<tr>
<td>Basic Utility Uses (i.e. utility substations facilities, electrical</td>
<td>NC</td>
<td>AR</td>
<td>NC</td>
<td>C</td>
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<td>substations, water and sewer lift stations, water towers)</td>
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<td>College and Universities (i.e. public or private colleges and</td>
<td>NC</td>
<td>NC</td>
<td>NC</td>
<td>C</td>
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<tr>
<td>universities, technical colleges, seminaries)</td>
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<tr>
<td>General Community Service (i.e. libraries, museums, transit centers,</td>
<td>NC</td>
<td>AR</td>
<td>AR</td>
<td>C</td>
<td>C</td>
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<tr>
<td>park and ride facilities, senior/community/neighborhood centers,</td>
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<td>community service centers, police and fire stations)</td>
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<tr>
<td>Daycare Uses (i.e. childcare centers, adult daycare, preschools, after</td>
<td>NC</td>
<td>NC</td>
<td>NC</td>
<td>C</td>
<td>C</td>
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<tr>
<td>school programs)</td>
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<td>Land Uses</td>
<td>Zone A</td>
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<tr>
<td>Detention Facilities (i.e. prisons, jails, probation centers, juvenile detention homes, halfway houses)</td>
<td>NC</td>
<td>NC</td>
<td>NC</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>General Educational Facilities (i.e. public and private elementary, middle, junior, and senior high schools including religious, boarding, military school(s))</td>
<td>NC</td>
<td>NC</td>
<td>NC</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Specialized Education Facilities (i.e. specialized trade, business, or commercial courses, nondegree-granting schools)</td>
<td>NC</td>
<td>NC</td>
<td>NC</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Hospitals (i.e. hospitals, medical centers)</td>
<td>NC</td>
<td>NC</td>
<td>NC</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Religious Assembly Uses (i.e. churches, temples, synagogues, mosques, Masonic, eagles, moose, or elk lodges)</td>
<td>NC</td>
<td>NC</td>
<td>AR</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Infrastructure Activities</td>
<td></td>
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<tr>
<td>Communication Transmission Facility Uses (i.e. broadcast, wireless, point to point, emergency towers and antennae)</td>
<td>NC</td>
<td>NC</td>
<td>NC</td>
<td>AR</td>
<td>AR</td>
</tr>
<tr>
<td>Parking Uses (i.e. ground lots, parking structures)</td>
<td>AR</td>
<td>C</td>
<td>AR</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Transportation Uses (i.e. highways, interstates, local and county roads)</td>
<td>AR</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Utility Uses (i.e. solar power generation equipment, wind generators, wind farms)</td>
<td>NC</td>
<td>NC</td>
<td>NC</td>
<td>AR</td>
<td>AR</td>
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<tr>
<td>Agricultural Activities</td>
<td></td>
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<tr>
<td>Plant-related (i.e. crop farming, vegetable, fruit, and tree, wholesale plant nurseries)</td>
<td>AR</td>
<td>C</td>
<td>AR</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Animal-related (i.e. livestock operations, dairy farms, horse farms)</td>
<td>AR</td>
<td>C</td>
<td>AR</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Resident-related (i.e. single-family home, mobile home if converted to real property and taxed)</td>
<td>NC</td>
<td>AR</td>
<td>NC</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Facility-related (i.e. fuel bulkstorage/pumping facility, grain elevator, livestock/seed/grain sales)</td>
<td>NC</td>
<td>AR</td>
<td>NC</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Water Bodies</td>
<td></td>
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<tr>
<td>Man-made resources (i.e. mining and extraction, standing bodies of water, wetlands)</td>
<td>NC</td>
<td>AR</td>
<td>AR</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Parks and Recreation Activities</td>
<td></td>
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<tr>
<td>Outdoor Amusement (i.e. theme parks, fairgrounds, racetracks, sports arenas)</td>
<td>NC</td>
<td>NC</td>
<td>NC</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Indoor (i.e. physical fitness centers, health clubs, bowling alleys, skating rinks, billiard halls, arcades, indoor theaters)</td>
<td>NC</td>
<td>AR</td>
<td>NC</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Golf (i.e. golf driving ranges, outdoor miniature golf, 9+ hole courses)</td>
<td>NC</td>
<td>AR</td>
<td>NC</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Parks (i.e. aquatic, mini, private, sports, neighborhood, school, community)</td>
<td>NC</td>
<td>AR</td>
<td>NC</td>
<td>C</td>
<td>C</td>
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</tbody>
</table>
Sec. 104-13. - Ordinance Administration.

A. As stated in Section 329.13, Iowa Code, all airport zoning regulations adopted under this ordinance shall provide for the administration and enforcement of such regulations by an administrative agency. For purposes of the Marion Municipal Airport Land Use and Height Overlay Zoning, the administration will be enforced by the Airport Zoning Administrator with consultation and cooperation from Linn County Planning and Development. However, in no case, shall such administrative agency be or include any member of the Airport Board of Adjustment. The duties of any administrative agency designated pursuant to the Iowa Code or this ordinance shall not include any of the powers herein delegated to the Airport Board of Adjustment. The Zoning Administrator for the City of Marion shall be recognized as the official Airport Zoning Administrator since the operation of the Marion Municipal Airport falls within the jurisdiction of the City. If needed, Linn County Planning and Development may be called upon from time to time to consult with and/or confer with the Airport Zoning Administrator about the Marion Municipal Airport Land Use and Height Overlay Zoning regulations.

B. Applications for permits and variances shall be made to the Airport Zoning Administrator or their designees upon forms furnished by the City of Marion. Applications for permits outside the corporate limit of the City of Marion but within the Airport Overlay Zone shall be made in accordance with the 28E Agreement adopted between the City of Marion and Linn County, or as thereafter amended. Applications for action by the Airport Board of Adjustment shall be forthwith transmitted by the Airport Zoning Administrator should an applicant request review. Permit applications shall be either granted or denied by the Airport Zoning Administrator according to the regulations prescribed herein.

C. Airport Overlay Zoning Permits.
   1) It shall be the duty of the applicant to provide the Airport Zoning Administrator or their designees with sufficient information to evaluate the proposed action.
   2) The Airport Zoning Administrator or their designees shall evaluate the proposal in accordance with Sec. 104-12, based upon information provided by the applicant. The Airport Zoning Administrator or their designees shall approve the permit if after evaluation, the proposed project is found to be compatible. Should the proposed project be found to be incompatible after review, the Airport Zoning Administrator or their designees shall deny the permit. Should the permit be denied, the applicant shall have the right to request a variance or an appeal as prescribed in this ordinance.

D. Hazard Markings and Lighting
   1) Lighting and marking requirements will be determined through an FAA 7460-1 airspace analysis. The owner of any structure, object, natural vegetation, or terrain shall be required to install, operate, and maintain such markers, lights, and other aids to navigation necessary to indicate to the aircraft operators in the vicinity of an airport the presence of an airport hazard. Hazard markers and lights shall be installed, operated, and maintained at the expense of the property owner; unless other contractual arrangements have been made and approved by the Marion Municipal Airport Committee.

E. Height Limitations
   1) No structure, object, natural vegetation, or terrain shall be erected, altered, allowed to grow or be maintained within any Airport Overlay Zone established by this ordinance to a height in excess of the applicable height limitations set forth in this ordinance. The permitted height shall not exceed the difference between the grade elevation and the height limitation numbers illustrated on the Marion Municipal Airport Land Use and Height Overlay Map within the various airport overlay districts encompassed by this ordinance.
2) An FAA 7460-1 airspace review shall provide a portion of the information necessary to evaluate height impacts. However, it shall not be the sole source of review. In order to carry out the provisions of this chapter, there shall be created and established certain airport overlay zones which are depicted on the Marion Municipal Airport Land Use and Height Overlay Zoning Map. A parcel located in more than one Airport Overlay Zone shall be considered to be in the Airport Overlay Zone with the more restrictive height and use limitations. The various Airport Overlay Zones shall be established and defined as detailed in Table 2 above.

F. Airport Board of Adjustment

1) Any person, property owner, or taxpayer impacted by any decision of this ordinance, may appeal to the Airport Board of Adjustment. According to Section 329.12, Code of Iowa, the governing body of any municipality seeking to exercise powers under Chapter 329, shall by ordinance provide for the appointment of an Airport Board of Adjustment, as provided in section 414.7 for a city, or as provided in section 335.10 for a county. The Airport Board of Adjustment has the same powers and duties, and its procedure and appeals are subject to the same provisions as established in sections 414.9 to 414.19 for a city, or sections 335.12 to 335.21 for a county.

   a. The Airport Board of Adjustment shall consist of two (2) members each from the City of Marion and Linn County, selected by the governing body thereof, and one (1) additional member to be selected by the Marion Municipal Airport Committee.

   b. The five (5) appointed members will select a chairperson amongst themselves. Airport Board of Adjustment members may be removed for cause by the appointing authorities (either City of Marion or Linn County) upon written charges and after a public hearing.

   c. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant in the same manner in which said member was selected. The terms of the Airport Board of Adjustment members shall be for five (5) years, except when the Board is first created, one (1) of the members appointed by each participating governmental jurisdiction shall be appointed for a term of two years and one (1) for a term of four years.

   d. The concurring vote of a majority of the Airport Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under any regulations adopted pursuant to this chapter or to effect any variance therefrom.

G. Variances

1) In accordance with Section 329.11, Code of Iowa, any person desiring to erect, alter, or increase the height of any structure, object, or to permit the growth of any natural vegetation, or otherwise use the person's property in violation of Marion Municipal Airport Land Use and Height Overlay Zoning adopted under this ordinance, may apply to the Airport Board of Adjustment for a variance from such zoning regulations. Such variances shall be allowed where a literal application or enforcement of the regulations would result in an unnecessary hardship and the relief granted would not be contrary to the public interest, but would do substantial justice and be in accordance with the spirit of the regulations and this chapter; provided, however, that any such variance may be allowed subject to any reasonable conditions that the Airport Board of Adjustment may deem necessary to effectuate
the purposes of this Ordinance.

H. Judicial Review
1) Any person or persons, jointly or severally, aggrieved, or any taxpayer, affected, by any decision of the Airport Board of Adjustment, may appeal to the Court of Record as provided in Iowa Code § 414.15.

I. Penalty
1) In accordance with the adopted 28E Agreement for Marion Municipal Airport Land Use and Height Overlay Zoning Administration, any person, firm, corporation, or agent in charge of such building or land who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement any of the provisions of this ordinance or any amendment thereof; or who shall build or alter any building in violation of this ordinance with the exception of those provisions specifically provided under State law as a felony, an aggravated misdemeanor, or a serious misdemeanor; or a simple misdemeanor under Chapters 687 through 747 of the Code of Iowa, is a municipal infraction and punishable by civil penalty as provided herein (Code of Iowa, Sec. 331.307[3]). Each day that a violation continues to exist constitutes a separate violation.

2) In accordance with the adopted 28E Agreement for Marion Municipal Airport Land Use and Height Overlay Zoning Administration, a municipal infraction for an airport zoning violation under this Chapter is punishable under the following civil penalties: (Code of Iowa, Sec. 331.307[1])
Linn County Ordinance No. 2020-01

An ordinance amending the official zoning map of Linn County, Iowa by rezoning and changing the district classification of certain property as shown on the map attached as Exhibit A.

BE IT ORDAINED by the Board of Supervisors of Linn County, Iowa, as follows:

SECTION 1. ZONING DISTRICTS CHANGED. The Marion Municipal Airport Land Use and Height Overlay Zones established by this ordinance are shown on the Marion Municipal Airport Land Use and Height Overlay Zoning Map attached as Exhibit A. Such official Marion Municipal Airport Land Use and Height Overlay Zoning Map may be amended, and all notations, references, elevations, data, zone boundaries, and other information included in the maps are adopted as part of this Ordinance. The Overlay Zones are as defined in Chapter 104, Marion Municipal Airport Land Use and Height Overlay Zoning, of the Linn County Code of Ordinances.

SECTION 2. ZONING MAP AMENDED. The Planning and Development Director, or his/her designee, is instructed to modify the Official Zoning Map of Linn County, Iowa to reflect the district classification change described in Section 1.

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict with this ordinance are repealed.

SECTION 4. SEVERABILITY. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 5. SAVING. The Code of Ordinances, Linn County, Iowa, shall remain in full force and effect, save and except as amended by this ordinance.
SECTION 6. EFFECTIVE DATE. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Public hearing and first consideration on the 6th day of January 2020

Second consideration on the 8th day of January 2020

Third and final passage on the ___ day of ________________ 2020.

Published in the Gazette on the ___ day of ________________ 2020.

LINN COUNTY BOARD OF SUPERVISORS

______________________________
Chairperson

______________________________
Supervisor

______________________________
Supervisor

ATTEST:

______________________________
Joel D. Miller, Linn County Auditor

STATE OF IOWA  )
 )SS
COUNTY OF LINN  )

I, ____________________________, County Auditor of Linn County, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance passed by the Linn County Board of Supervisors at a regular meeting of said Board held on _______________________, 2020 and published as provided by law on _______________________, 2020.

______________________________
Linn County Auditor

Subscribed and sworn to me this _____ day of ____________, 2020.

______________________________
Notary Public, State of Iowa
LINN COUNTY ORDINANCE # _________________________

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, LINN COUNTY, IOWA
BY AMENDING PROVISIONS IN CHAPTER 107

BE IT ENACTED by the Board of Supervisors, Linn County, Iowa:

SECTION 1. SEE ATTACHMENT A

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with this ordinance are repealed.

SECTION 3. SEVERABILITY. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. SAVING. The Code of Ordinances, Linn County, Iowa, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in effect after its final passage, approval, and publication as provided by law.

Public hearing and first consideration on the 6\textsuperscript{th} day of JANUARY, 2020.

Second consideration on the 8\textsuperscript{th} day of JANUARY, 2020.

Third and final passage on the 15\textsuperscript{th} day of JANUARY, 2020.

Published in the Gazette on the ______ day of __________________, 2020.
LINN COUNTY BOARD OF SUPERVISORS

______________________________
Chairperson

______________________________
Supervisor

______________________________
Supervisor

ATTEST:

______________________________
Joel D. Miller, Linn County Auditor

STATE OF IOWA    )
                  )SS
COUNTY OF LINN   )

I, ________________________________, County Auditor of Linn County, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance passed by the Linn County Board of Supervisors at a regular meeting of said Board held on ________________________, 2020 and published as provided by law on ________________________, 2020.

______________________________
Linn County Auditor

Subscribed and sworn to me this _____ day of ____________, 2020.

______________________________
Notary Public, State of Iowa
ATTACHMENT A

AN ORDINANCE AMENDING THE LINN COUNTY CODE OF ORDINANCES

1. Article VII Zoning Classifications. Density, Dimensional Standards and Allowed Uses, Section 107-147-1, Use Table.

<table>
<thead>
<tr>
<th>Use</th>
<th>AG</th>
<th>RR 1/2/3</th>
<th>VR</th>
<th>VM</th>
<th>USR</th>
<th>USR-MF</th>
<th>HC</th>
<th>GC</th>
<th>I</th>
<th>CNR</th>
<th>MH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lawn, garden and yard maintenance services</td>
<td>C</td>
<td></td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td>C</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2. Article VI Specific Development Standards, Section 107-115 Standards for Retail, Service and Commercial Uses, subsection (k) Business and household services, lawn, garden and yard maintenance services.

(k) Business and household services, lawn, garden and yard maintenance services. Lawn, garden and yard maintenance services shall meet the following standards:

(1) Major site plan required. A major site plan shall be submitted and reviewed prior to the approval of lawn, garden and yard maintenance service.

(2) Street access. The site shall have access to a hard surfaced road of sufficient capacity to accommodate the traffic that the use will generate.

(4) Parking. Parking and loading shall meet the standards in section 107-93(e).

(5) VM Village Mixed-Use District. Within the VM Village Mixed-Use District, outdoor storage area shall not exceed 5,000 square feet in size and shall be screened from adjacent residences and public roads by a solid fence six feet in height.

(6) AG Agricultural District. Within the AG Agricultural District, Lawn, Garden, and Yard Maintenance Services may have a maximum of 10 employees at any one time. Outdoor storage areas shall not exceed 5,000 square feet in size and shall be screened from adjacent residences and public roads by a solid fence six feet in height.

(i) Uses in conjunction with a residential use shall follow the standards in section 107-113(h).

3. Article VI Specific Development Standards, Street Access.

All uses in this Article containing a provision regarding “Street Access” is amended as follows:

Street access. The site shall have access to a hard surfaced road of sufficient capacity to accommodate the traffic that the use will generate, with continuous hard surfaced connection to a county arterial, or state or federal highway.
RESOLUTION #__________

CONSTRUCTION EVALUATION RESOLUTION

WHEREAS, Iowa Code section 459.304(3) sets out the procedure if a board of supervisors wishes to adopt a “construction evaluation resolution” relating to the construction of a confinement feeding operation structure; and

WHEREAS, only counties that have adopted a construction evaluation resolution can submit to the Department of Natural Resources (DNR) an adopted recommendation to approve or disapprove a construction permit application regarding a proposed confinement feeding operation structure; and

WHEREAS, only counties that have adopted a construction evaluation resolution and submitted an adopted recommendation may contest the DNR’s decision regarding a specific application; and

WHEREAS, by adopting a construction evaluation resolution the board of supervisors agrees to evaluate every construction permit application for a proposed confinement feeding operation structure received by the board of supervisors between February 1, 2020 and January 31, 2021 and submit an adopted recommendation regarding that application to the DNR; and

WHEREAS, the board of supervisors must conduct an evaluation of every construction permit application using the master matrix created in Iowa Code section 459.305, but the board’s recommendation to the DNR may be based on the final score on the master matrix or may be based on reasons other than the final score on the master matrix;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF LINN COUNTY that the Board of Supervisors hereby adopts this construction evaluation resolution pursuant to Iowa Code section 459.304(3).

_____________________________________
Chair, Board of Supervisors

Date: ______________________________

ATTEST:

_____________________________________
Joel Miller, County Auditor

Date: ______________________________
VACANCY FORM

SELECT ONE:
☐ NEW POSITION

SELECT ONE:
☐ NEW JOB CLASSIFICATION

JOB TITLE: Planner II

DEPARTMENT: Planning & Development

VACANCY DATE: 12/20/19

REASON TO ADD NEW POSITION (if applicable):
☐ BUDGET OFFER
☐ GRANT FUNDING
☐ OTHER: ____________________________

POST TO INSIDE: ☐ YES ☐ NO

ADVERTISE: ☐ YES ☐ NO

IF NO, GIVE EXPLANATION (i.e. not filling due to operational needs):

POSITION TYPE:
☐ FULL-TIME ☐ PART-TIME ___# of hours/week ☐ TEMPORARY/SEASONAL
☐ ON-CALL/SUBSTITUTE ☐ GRANT-FUNDED
☐ BARGAINING UNIT: ☐ Clerical ☐ Maintenance ☐ Para Professional ☐ Professional
☐ Attorneys ☐ Conservation ☐ Sergeants ☐ PPME
☐ NON-BARGAINING UNIT (Management and Confidential Employees)

APPROVED BY: ____________________________ 12/19/19

DEPARTMENT HEAD (original signature required)

FOR HUMAN RESOURCES DEPARTMENT USE ONLY:

PAY GRADE: 3B Schedule B STARTING SALARY: Step A = $26.36 Step B = $27.75

HR DIRECTOR COMMENTS: ____________________________

FINANCE/BUDGET DIRECTOR COMMENTS: ____________________________

APPROVED BY: ____________________________ 12/19/19

HUMAN RESOURCES DIRECTOR

APPROVED BY: ____________________________ 12/23/19

FINANCE/BUDGET DIRECTOR

APPROVED BY: ____________________________

CHAIRPERSON/BOARD OF SUPERVISORS
**VACANCY FORM**

**SELECT ONE:**
- [ ] NEW POSITION
- [ ] REPLACEMENT

**SELECT ONE:**
- [ ] NEW JOB CLASSIFICATION
- [ ] EXISTING JOB CLASSIFICATION

**JOB TITLE:** Senior Planner

**DEPARTMENT:** Planning & Development

**VACANCY DATE:** 12/20/19

**SHIFT/HOURS:** Monday - Friday 8-5

**NUMBER OF POSITIONS:** 1

**NEW POSITION FUNDING SOURCE(S):**

**POST TO INSIDE:** [ ] YES  [ ] NO

**ADVERTISE:** [ ] YES  [ ] NO

**IF NO, GIVE EXPLANATION** (i.e. not filling due to operational needs):

**POSITION TYPE:**
- [ ] FULL-TIME
- [ ] PART-TIME ___# of hours/week
- [ ] TEMPORARY/SEASONAL
- [ ] ON-CALL/SUBSTITUTE
- [ ] GRANT-FUNDED
- □ BARGAINING UNIT: □ Clerical □ Maintenance □ Para Professional □ Professional
  □ Attorneys □ Conservation □ Sergeants □ PPME
- [ ] NON-BARGAINING UNIT (Management and Confidential Employees)

**APPROVED BY:**

**DEPARTMENT HEAD (original signature required)**

**DATE:** 12/13/19

**FOR HUMAN RESOURCES DEPARTMENT USE ONLY:**

**PAY GRADE:** 39 Schedule B

**STARTING SALARY:**

**HR DIRECTOR COMMENTS:**

**FINANCE/BUDGET DIRECTOR COMMENTS:**

**APPROVED BY:**

**DATE:** 12/19/19

**APPROVED BY:**

**DATE:** 12/23/19

**APPROVED BY:**

**DATE:**
**Linn County Iowa**

**Rental Proposal Quote**

*Submitted by Election Systems & Software*

---

**Rental Solution Includes:**

<table>
<thead>
<tr>
<th>Quantity</th>
<th>Item Description</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Tabulation Hardware:</strong></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Model DS850 High Speed Digital Image Scanner: Model DS850 (Includes Scanner,</td>
<td>$17,250.00</td>
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<tr>
<td></td>
<td>Steel Table/Cart, Start-up Kit, Dust Cover, Reports Printer, Audit Printer,</td>
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</tr>
<tr>
<td></td>
<td>Battery Backup, Two (2) USB Cables, and Three (3) Standard 8GB Memory Devices)</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>DS850 License Fee</td>
<td>Included</td>
</tr>
<tr>
<td>1</td>
<td>Installation/Training Fee (1st Unit)</td>
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<td></td>
<td><strong>Shipping &amp; Other:</strong></td>
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<td>1</td>
<td>Shipping (Central Counters Based on Non-Truckload Quantities)</td>
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<tr>
<td></td>
<td>Customer Discount</td>
<td>($1,725.00)</td>
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<tr>
<td></td>
<td><strong>Total Rental Solution</strong></td>
<td>$20,650.00</td>
</tr>
</tbody>
</table>

---

**Footnotes:**

1. Pricing reflects Per Election rental rates utilizing rental pool equipment. Rental equipment is subject to availability at time of requested delivery.

2. This quote is an estimate and is subject to final review and approval by both ES&S and the Customer.

3. Rates valid for 30 days and thereafter may change.

4. Any applicable (City & State) sales taxes have not been included in pricing and are the responsibility of the customer.

5. The quantity of service days reflects a reasonable estimate for implementation and selected ongoing election services. Quantities may change depending on specific Customer needs.

6. A Rental Cancellation Fee of 10% of the Total Rental Solution Fee shall apply in the event the Customer does not provide written notification to ES&S of its intent to cancel an Election at least forty-five (45) days prior to a scheduled Election covered under an Agreement between ES&S and the Customer.
SECOND AMENDMENT TO LEASE AGREEMENT

THIS SECOND AMENDMENT TO LEASE AGREEMENT ("Second Amendment") is made and entered into this __________ day of January 2020 by and between Linn County, Iowa ("Landlord") whose address for the purpose of this Second Amendment is 935 Second Street SW, Cedar Rapids, IA 52404, and the Abbe Center for Community Mental Health, Inc. ("Tenant") whose address for the purpose of this Second Amendment is 520 11th Street NW, Cedar Rapids, IA 52405.

RECITALS:

A. Landlord and Tenant entered into that certain Lease Agreement dated November 1, 2017 ("Lease") whereby Landlord leases to Tenant and Tenant leases from Landlord 21,030 square feet, more or less, of a part of the building upon the real estate located at 520 11th Street NW, Cedar Rapids, Iowa, known as the "Fillmore Building", shown more specifically on the Attached "Exhibit A".

B. Tenant desires to extend the Lease Term stipulated in Section 1 of the Lease and, in connection therewith, Landlord and Tenant desire to provide for such extension and the modification and amendment of the Lease as more fully set forth herein.

AGREEMENT:

NOW THEREFORE in consideration of the mutual covenants and agreements made herein and for other good and valuable consideration, the adequacy of which is hereby acknowledged, Landlord and Tenant hereby agree that effective as of the date of this Second Amendment, the Lease shall be amended and modified as follows:

1. PREMISES AND TERM. Pursuant to the First Amendment to Lease Agreement, the term is scheduled to expire on the last day of December 2019. Landlord and Tenant hereby agree to extend the Lease for a period of six (6) months from the first day of January 2020 through the last day of June 2020, on the terms and conditions set forth in this Second Amendment.

2. NO FURTHER MODIFICATION. Except as specifically set forth in this Second Amendment, all of the terms and provisions of the Lease shall remain unmodified and in force and effect.

IN WITNESS WHEREOF, the parties hereto have duly executed this Second Amendment as of the day and year first above written.

LINN COUNTY, IOWA

ABBE CENTER FOR COMMUNITY MENTAL HEALTH, INC.

______________________________________________  ______________________________________________
Ben Rogers, Chairperson                        Kathy Johnson, Executive Director
Linn County Board of Supervisors               Abbe Center for Community Mental Health, Inc.
State of Iowa  
County of Linn  

On this _______ day of _____________, 2020, before me the undersigned, a Notary Public in and for said County and State, personally appeared Ben Rogers, to me personally known, who being by me duly sworn, did say that he is the Chairperson of the Board of Supervisors, Linn County, Iowa, executing the within and foregoing instrument; that said instrument was signed on behalf of said County by authority of its Board of Supervisors; and that he, as such Chairperson acknowledged the execution of said instrument to be the voluntary act and deed of said County, by it and by him voluntarily executed.

__________________________________________  
Notary Public, State of Iowa

State of Iowa  
County of Linn  

On this _______ day of _____________, 2020, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Kathy Johnson, to me personally known, who being by me duly sworn, did say that she is the Executive Director of the Abbe Center for Community Mental Health, Inc. executing the foregoing instrument; that said instrument was signed on behalf of the corporation by authority of its Board of Directors; and that she as principal officer acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the corporation, by it and by her voluntarily executed.

__________________________________________  
Notary Public, State of Iowa
Exhibit A

Fillmore Building
Space Leased to Abbe Center for Community Mental Health