Call to Order

Pledge of Allegiance

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

Consent Agenda
Items listed on the consent agenda are routine and will be considered by one motion without individual discussion unless the Board removes an item for separate consideration.

Approve a Request for Temporary Addition of Valerie Smith for Video Surveillance System Access at the Elections Depot effective May 4, 2020 to June 2, 2020

Resolutions

Resolution to establish speed limit of 35 mph on Todd Hills Road from west city limits to Otter View Road in sections 13 & 24-84-8.

Resolution to establish speed limit of 35 mph on Todd Hills Road from Edgewood Road to west city limits in sections 18 & 19-84-7.

Resolution to establish speed limit of 45 mph on Otter View Road from Todd Hills Road to the north approximately 2600’ in section 13-84-8, and 35 mph on Otter View Road from 2600’ north of Todd Hills Road to Toddville Road in section 12-84-8.

Contract and Agreements

Approve and authorize Chair to sign an Adopt-A-Roadside application for Debra Rudish-Sentelik to adopt Ivanhoe Road along the property address of 2231 Ivanhoe Road.

Approve and authorize Chair to sign an Adopt-A-Roadside application for Community Bible Church to adopt W Mt. Vernon Road from the city limits of Mt. Vernon to ¼ mile east of Ballard Road.

Authorize Chair to sign purchase order #5628 for $30,188.00 for the IT department to renew maintenance for GovSense.

Authorize Chair to sign purchase order #5630 for $120,401.82 to Oracle America Inc. for annual maintenance for Oracle/Netsuite for the IT Department.

Authorize Chair to sign purchase order #5631 for $68,796.00 for Adaptive Insights for annual maintenance for Adaptive Insights for the IT Department.

Authorize Chair to sign purchase order for seed to La Crosse Seed in the amount of $7,936.50 for the Secondary Road Department.
Licenses & Permits

Regular Agenda

Discuss and Decide on Consent Agenda

Minutes--Discuss and decide on meeting minutes.

Update on Linn County’s response to COVID-19.

Discuss and decide on COVID-19 Budget Requests.

Second consideration on an ordinance amending the Code of Ordinances, Case # JA20-0001 Linn County, Iowa by amending provisions regarding the expansion of legal nonconforming structures in Chapter 107, Unified Development Code.

Second consideration for rezoning case JR20-0001, request to rezone property located in the 5000 block of Honey Grove Road, SE SW 682-6, from AG (Agricultural) district to RR2 (Rural Residential 2 Acre) district, approximately 28.82 acres, Joseph & Leslie Sadecky, property owners.

Second consideration on an ordinance establishing a new Chapter 104 of the Linn County Code of Ordinances, the Marion Municipal Airport Land Use and Height Overlay Zoning.

Second consideration for Case JR19-0004, request of the Linn County Planning & Development Department, petitioner, to adopt the Marion Municipal Airport Land Use & Height Overlay Zoning Map.

Discuss and decide on previously tabled (on April 29, 2020) resolution to approve final plat for Rolling Acres Greens First Addition, Case JF20-0001.

Discuss and decide on Revising Employee Travel Restrictions related to COVID-19

Discuss and decide on Voluntary Pre-Retirement Paid Leave Opportunity for eligible employees

Discuss and decide on a proposal from Lemi Tilahun to assist refugee and immigrant communities in Linn County during COVID-19 pandemic.

Discuss proposed Change Orders #1 and #2 from Septagon Construction Company for the LIFTS Relocation project.

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.

Claims--Discuss and decide on claims.

Board Member Reports

Correspondence

Appointments

Adjournment

To adhere to social distancing requirements, Linn County employees and the public may participate in this meeting as follows:

1) Conference call—telephone number 866-576-7975, access code 218839#
2) Email questions or comments prior to or during the meeting to: bd-supervisors@linncounty.org

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.
Request for Temporary Addition of Valerie Smith for Video Surveillance System Access:

Linn County Elections, within the Auditor’s Office, is requesting temporary rights for Valerie Smith, Voter Outreach, to access the three elections security cameras at the depot.

As required under Policy Section & Number OP020, Subject “Video Surveillance,” effective date 10/17/2012, we are offering the following information as requested under Section IV.A.1 (4(f)):

f. Identification of the person(s) and/or position(s) that are proposed to have access to the information recorded by the video surveillance system.

- Voter Outreach- Valerie Smith

Background:

Valerie Smith is running curbside/drive-through voting at the elections depot. She needs camera access to be able to see when voters are waiting outside.

The need for security camera access is limited to May 4, 2020-June 2, 2020. We are not requesting any new equipment or installation.

Thank you for your consideration.
RESOLUTION # __________________

ESTABLISH SPEED LIMIT

WHEREAS, the Board of Supervisors is empowered under authority of the Iowa Code Sections 321.255 and 321.285 of the Code of Iowa, to determine upon the basis of an engineering and traffic investigation, that the speed limit of any secondary road is greater than is reasonable and proper under the conditions existing, and may determine and declare a reasonable and proper speed limit, and

WHEREAS, such an investigation has been requested and has been completed by the Linn County Engineer.

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of Linn County that the speed limit be established and appropriate signs be erected at the location described as follows:

- 35 mph on Todd Hills Road from west city limits to Otter View Road in sections 13 & 24-84-8.

The Board of Supervisors declares these signs to be legal, valid and enforceable and directs the County Engineer to erect said signs in accordance with the provisions of the Code of Iowa.

Moved by Supervisor __________________ Seconded by Supervisor __________________ that the above resolution be adopted this _____ day of ____________, 201__ by a vote of ___ aye ___ nay and ___ abstain from voting.

BOARD OF SUPERVISORS
LINN COUNTY, IOWA

__________________________________________
Chairperson

__________________________________________
Vice Chairperson

__________________________________________
Supervisor

ATTEST:

__________________________________________
Linn County Auditor
Speed Limit Resolution
35 mph
Todd Hills Road
west city limits to Otter View Road
RESOLUTION # ____________

ESTABLISH SPEED LIMIT

WHEREAS, portions of Todd Hills Road is located in the city of Hiawatha and unincorporated Linn County, and

WHEREAS, it is good engineering practice to provide uniform, consistent speed limits.

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors, meeting in regular session, and upon recommendation of the Linn County Engineer that the public would be better served and safety enhanced by changing the speed limit as follows:

- 35 mph on Todd Hills Road from Edgewood Road to west city limits in sections 18 & 19-84-7.

The Board of Supervisors declares these signs to be legal, valid and enforceable and directs the County Engineer to erect said signs in accordance with the provisions of the Code of Iowa.

Moved by Supervisor ______________ Seconded by Supervisor ______________
that the above resolution be adopted this ____ day of ______________, 201__ by a vote of ____ aye ____ nay and _____ abstain from voting.

BOARD OF SUPERVISORS
LINN COUNTY, IOWA

______________________________
Chairperson

______________________________
Vice Chairperson

______________________________
Supervisor

ATTEST:

______________________________
Linn County Auditor
Speed Limit Resolution
35 mph
Todd Hills Road
Edgewood Road to west city limits
RESOLUTION # _____________

ESTABLISH SPEED LIMIT

WHEREAS, the Board of Supervisors is empowered under authority of the Iowa Code Sections 321.255 and 321.285 of the Code of Iowa, to determine upon the basis of an engineering and traffic investigation, that the speed limit of any secondary road is greater than is reasonable and proper under the conditions existing, and may determine and declare a reasonable and proper speed limit, and

WHEREAS, such an investigation has been requested and has been completed by the Linn County Engineer.

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of Linn County that the speed limit be established and appropriate signs be erected at the location described as follows:

- 45 mph on Otter View Road from Todd Hills Road to the north approximately 2600’ in section 13-84-8.
- 35 mph on Otter View Road from 2600’ north of Todd Hills Road to Toddville Road in section 12-84-8.

The Board of Supervisors declares these signs to be legal, valid and enforceable and directs the County Engineer to erect said signs in accordance with the provisions of the Code of Iowa.

Moved by Supervisor _______________ Seconded by Supervisor _______________ that the above resolution be adopted this _____ day of ________________, 201_ by a vote of ___ aye ___ nay and ___ abstain from voting.

BOARD OF SUPERVISORS
LINN COUNTY, IOWA

_________________________________  ATTEST:
Chairperson

_________________________________
Vice Chairperson  Linn County Auditor

_________________________________
Supervisor
Speed Limit Resolution
Otter View Road
45 mph - Todd Hills Road north approx. 2600'
35 mph - 2600' north of Todd Hills Road to Toddville Road
Linn County
1888 County Home Road
Marion, Iowa 52302

Application to
"Adopt-A-Roadside"

For Office Use Only
Permit Number
County Road Name: Ivanhoe Road

New [ ] Renewal [ ] GIS# [ ]

To Be Completed by Sponsor
Please Print Clearly

Debra Rudish-Sentelik
Name of Sponsor (Organization, Group or Individual)

Debra Rudish-Sentelik
Signature of Contact Person

2231 Ivanhoe Road, Ely, IA 52247
Mailing Address (Street, P.O. Box, City, State, Zip Code)

319-841-2016 (land) E-mail Address: debra@sagecloud.com
319-560-2854 (cell)

Telephone Number

The proposed work is located on Ivanhoe Road

from in front of 2231 Ivanhoe Rd. to

Approval is hereby requested to enter within the County Road right of way to perform the following described work (check all that apply):

[ ] Litter removal [ ] Enhancement Planting* [ ] Other (describe)

* A sketch noting the quantity, location, and species must be attached to this application prior to Department granting approval.

Agreements:

The Sponsor(s) agrees that if granted a permit to do said work the following stipulations shall govern:

1. This application shall have been approved prior to Sponsor(s) beginning any operations as requested herein.

2. Sponsor(s) agree to indemnify and hold harmless Linn County, its Board of Supervisors, officers and employees from all liability, judgment, costs, expenses and claims growing out of damages, or alleged damages of any nature whatsoever to any person, property or third party arising out of the performance or nonperformance of said work.

3. No vehicles, equipment or materials are to be stored within the right of way. A vehicle may be allowed to be parked on the shoulder during times of litter pick up.

4. Right of way markers, signs and land monuments shall not be removed, altered or damaged.

5. This permit shall be subject to any laws now in effect or any laws which may be hereafter enacted and all applicable rules and regulations of local, state and federal agencies.

6. The Sponsor(s) agrees to give Linn County forty-eight hours notice of intention to start operations. Notification shall be given to the Secondary Road Department, 1944 County Home Road, Marion, Iowa 52302, work phone number Monday through Friday 7:00 A.M. to 3:30 P.M. 892-6400.

G:\Engineer\Roadside\Adopt-A-Roadside\Forms\Adopt-A-Roadside Application.docx
7. Access to the work site will, where possible, be obtained from private property or other roadways and not from the traveled portion of the hard surfaced roadway.

8. The Sponsor(s) shall carry on the work as required and authorized by this agreement with serious regard to the safety of the traveling public, adjacent property owners and volunteers or employees of the Sponsor(s).

9. The Sponsor(s) acknowledges that all personnel involved in this project are initiators and volunteers directed by the Sponsor(s) and that the Sponsor(s) accept full responsibility for any injuries or damages sustained by or caused by such personnel. The Sponsor(s) acknowledges that they or their volunteers are in no way considered to be employees of the Linn County Board of Supervisors or the Linn County Secondary Road Department.

The Sponsor(s) and the Department further agree to the following terms and conditions of this agreement.

**SPONSOR’S ADDITIONAL RESPONSIBILITY:**

To perform the work specified in a satisfactory, safe and professional manner.

To provide adult supervision at the work site when volunteers or employees are 14 years of age or younger.

To obtain required supplies and materials as may be needed from the Secondary Road Department to carry out this agreement, during regular business hours, Monday through Friday 7:00 A.M. to 3:30 P.M.

To put in place traffic control signs at all times when the Sponsor(s) is doing work near the roadway and remove only when the work has been completed.

To place all trash bags used during collection of litter, adjacent to the Adopt-A-Roadway signs (if applicable), or at the ends of adopted sections, for pickup and disposal by the Department.

To plant all right of way harvested seed on either County road rights of way or other public grounds as approved.

To return all unused materials and supplies furnished by the Secondary Road Department, to the Main Shop within one week after the activity is completed.

**DEPARTMENT’S RESPONSIBILITIES:**

To erect a sign at each end of the adopted section with the Sponsor(s) name or acronym displayed (if requested).

To provide reflective vests, trash bags, safety literature, and other related materials, to the Sponsor(s).

To remove trash bags used for litter pickup by Sponsor(s).

To assist in removal of litter under unusual circumstances such as when large, heavy or hazardous items are found.

To assist in location and selection of enhancement plantings (if applicable).

**PLEASE NOTE:**

The Department reserves the right to terminate this agreement and remove Adopt-A-Roadway signs when in the sole judgment of the Department, it is found that the Sponsor(s) has not met the terms and conditions of this agreement.

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**FOR OFFICE USE ONLY**

This agreement shall remain in force from ___________, 20__ until ___________, 20__. If this agreement includes litter removal the Sponsor agrees to pickup litter ___________ times) per year.

**DEPARTMENT OF SECONDARY ROADS APPROVAL**

Recommended for Approval _____________________________

Linn County Engineer

Approved _____________________________

Linn County Board of Supervisors

Date _____________________________, 20__

**FOR OFFICE USE ONLY**

Date ________________, 20__
Getting rid of Chinese Ornamental grass.

Fall planting of "Linn landowner Pollinator Mix" from 2019 landowner Forum (Fall)
APPLICATION TO
"ADOPT-A-Roadside"

TO BE COMPLETED BY SPONSOR
PLEASE PRINT CLEARLY

Community Bible Church
Name of Sponsor (Organization, Group or Individual)

Janet Leeger
Signature of Contact Person

940 W. Mt. Vernon Rd., Mt. Vernon, IA 52314
Mailing Address (Street, P.O. Box, City, State, Zip Code)

319-895-6269
Telephone Number

janet@mvcbc.org
E-Mail Address

The proposed work is located on West Mt. Vernon Road
from Edge of Mt. Vernon City Limits to 1/4 E. of Ballard Road - 2 Mile Section

Approval is hereby requested to enter within the County Road right of way to perform the following described work (check all that apply):

X  Litter removal  Enhancement Planting*

* A sketch noting the quantity, location, and species must be attached to this application prior to Department granting approval.

AGREEMENTS:

The Sponsor(s) agrees that if granted a permit to do said work the following stipulations shall govern:

1. This application shall have been approved prior to Sponsor(s) beginning any operations as requested herein.

2. Sponsor(s) agree to indemnify and hold harmless Linn County, its Board of Supervisors, officers and employees from all liability, judgment, costs, expenses and claims growing out of damages, or alleged damages of any nature whatsoever to any person, property or third party arising out of the performance or nonperformance of said work.

3. No vehicles, equipment or materials are to be stored within the right of way. A vehicle may be allowed to be parked on the shoulder during times of litter pick up.

4. Right of way markers, signs and land monuments shall not be removed, altered or damaged.

5. This permit shall be subject to any laws now in effect or any laws which may be hereafter enacted and all applicable rules and regulations of local, state and federal agencies.

6. The Sponsor(s) agrees to give Linn County forty-eight hours notice of intention to start operations. Notification shall be given to the Secondary Road Department, 1944 County Home Road, Marion, Iowa 52302, work phone number Monday through Friday 7:00 A.M. to 3:30 P.M. 892-6400.
7. Access to the work site will, where possible, be obtained from private property or other roadways and not from the traveled portion of the hard surfaced roadway.

8. The Sponsor(s) shall carry on the work as required and authorized by this agreement with serious regard to the safety of the traveling public, adjacent property owners and volunteers or employees of the Sponsor(s).

9. The Sponsor(s) acknowledges that all personnel involved in this project are initiators and volunteers directed by the Sponsor(s) and that the Sponsor(s) accept full responsibility for any injuries or damages sustained by or caused by such personnel. The Sponsor(s) acknowledges that they or their volunteers are in no way considered to be employees of the Linn County Board of Supervisors or the Linn County Secondary Road Department.

The Sponsor(s) and the Department further agree to the following terms and conditions of this agreement.

**SPONSOR’S ADDITIONAL RESPONSIBILITY:**

To perform the work specified in a satisfactory, safe and professional manner.

To provide adult supervision at the work site when volunteers or employees are 14 years of age or younger.

To obtain required supplies and materials as may be needed from the Secondary Road Department to carry out this agreement, during regular business hours, Monday through Friday 7:00 A.M. to 3:30 P.M.

To put in place traffic control signs at all times when the Sponsor(s) is doing work near the roadway and remove only when the work has been completed.

To place all trash bags used during collection of litter, adjacent to the Adopt-A-Roadway signs (if applicable), or at the ends of adopted sections, for pickup and disposal by the Department.

To plant all right of way harvested seed on either County road rights of way or other public grounds as approved.

To return all unused materials and supplies furnished by the Secondary Road Department, to the Main Shop within one week after the activity is completed.

**DEPARTMENT’S RESPONSIBILITIES:**

To erect a sign at each end of the adopted section with the Sponsor(s) name or acronym displayed (if requested).

To provide reflective vests, trash bags, safety literature, and other related materials, to the Sponsor(s).

To remove trash bags used for litter pickup by Sponsor(s).

To assist in removal of litter under unusual circumstances such as when large, heavy or hazardous items are found.

To assist in location and selection of enhancement plantings (if applicable).

**PLEASE NOTE:**

The Department reserves the right to terminate this agreement and remove Adopt-A-Roadway signs when in the sole judgment of the Department, it is found that the Sponsor(s) has not met the terms and conditions of this agreement.

---

**FOR OFFICE USE ONLY**

This agreement shall remain in force from \( 5/1, 2020 \) until \( 5/1, 2022 \). If this agreement includes litter removal the Sponsor agrees to pickup litter \( 2 \) (times) per year.

**DEPARTMENT OF SECONDARY ROADS APPROVAL**

Recommended for Approval

Linn County Engineer

Approved

Linn County Board of Supervisors

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Date \( May 5, 2020 \)
**Seed Results**
4/27/2020

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**Shipping Costs**
United Seeds - $55.00 per pallet - order would be 4 pallets.
La Crosse Seed - free shipping over $1000 order. $35.00 if under $1000 order.

**Welter Seed & Honey**
Annual Rye & Winter Wheat varieties bid are not what was requested.
CASE # JA20-0001
EXECUTIVE SUMMARY
UDC TEXT AMENDMENT
RE: NONCONFORMING STRUCTURES
STAFF CONTACT: CHARLIE NICHOLS

OWNER/APPLICANT INFORMATION
APPLICANT: LINN COUNTY PLANNING & DEVELOPMENT DEPARTMENT
MAILING ADDRESS: 935 2ND ST SW, CEDAR RAPIDS, IA 52404

REQUEST
Linn County Planning and Development staff are requesting that specific language regarding Special Exceptions for alterations of nonconforming structures be removed. The changes impact the following ordinance sections: Article III, Section 107-48, subsection 4 and Article IV, Section 107-74, subsection (c)(1).

OUTSTANDING ISSUES AND STANDARDS FOR APPROVAL
The Linn County Unified Development Code on nonconforming structures is worded in a way that suggests a Special Exception from the Board of Adjustment is required to structurally alter a nonconforming structure in a way that does not increase or extend its nonconformity. Staff believes requiring a Special Exception in this case is contrary to the intent of the code, and that administrative approval should be acceptable for structural additions to nonconforming structures that neither increase nor extend their nonconformity.

STAFF RECOMMENDATION
Staff recommends approval of the proposed Unified Development Code text amendment.
PZC APPROVAL 4/20/20

STAFF REPORT
CHAPTER 107 UNIFIED DEVELOPMENT CODE (UDC)
NONCONFORMING STRUCTURES
TEXT AMENDMENTS

Planning and Zoning Commission recommended approval: APRIL 20, 2020
Board of Supervisors First Consideration: MAY 4, 2020
Board of Supervisors Second Consideration: MAY 6, 2020
Board of Supervisors Third Consideration: MAY 13, 2020

CASE: J209-0001
REQUEST: Chapter 107 Unified Development Code Text Amendments

PETITIONER: Planning and Development
STAFF CONTACT: CHARLIE NICHOLS

Overview:

Staff is proposing amending Article III, Section 107-48, subsection and Article IV, Section 107-74 subsection (c)(1) of the Linn County Unified Development Code to make it clear that a Special Exception is not needed to structurally alter an existing legal-nonconforming structure as long as the alteration does not increase or extend its nonconformity. Current language suggests a special exception is needed in this circumstance, and staff believes this is contrary to the intent of the code.

Proposed UDC Amendments: This part of the report details the actual text amendment language. Language that is added to the section will be displayed as underlined text and deleted language will be represented as strikethrough text.

Article III, Section 107-48, subsection 4:

(4) Alteration of a nonconforming structure. A nonconforming structure may be structurally altered or enlarged, provided it is structurally altered or enlarged in a way that will not increase or extend its nonconformity, and provided either subsections (a) or (b) of this section applies, and any related special exception is approved by the board of adjustment.

Article IV, Section 107-74, subsection (c)(1):

(c) Standards for granting special exceptions. No variation to the application of the provisions of this chapter shall be made unless and until the board of adjustment shall be satisfied that all of the following criteria are met:

(1) Strict compliance with the restrictions governing setback, frontage, height, or other bulk provisions of this chapter would result in a practical difficulty upon the owner of such property and only where such exception does not exceed 50 percent of the particular limitation or number in question or is from-a-yard requirement to permit an addition to an existing legal nonconforming building, and such addition extends no further into the required yard than the existing building;
Planning & Zoning Commission Approval on April 20, 2020

Carson Absent
Eilers Aye
Landa Aye
Maxwell Absent
Wagner Aye
Bellon Aye
Gatewood Aye
Planning & Development  
Linn County, Iowa

Zoning Division

Owner Information:
Owner: Joseph & Leslie Sadecky
Address: 5115 Honey Grove Rd, Ely, IA 52247
Phone: 319-548-4713

Applicant Information:
Applicant: Same
Address:
Phone:

Surveying Co.: Scott Survey, Inc.
Engineer: Stephen Scott
E-Mail: email@scottsurvey.com
Phone: 319-540-5263

Property Information:
Property Address or Address Range (block): 5000 Block, Honey Grove Road
Brief legal(s) (Sec./Twp./Range): Parcel B, P.O.S. No. 982, SE SW 6-82-6
GPN(s): 18063-70002-00000
Rural Land Use Map Designation: RRD2
Current Zoning: Ag
Proposed Zoning: RR2
Total Acres: 2.89

A written report shall be submitted with this application, per Article 4, Section 4.2 (vii) of the Unified Development Code (see attached pages of this application)
A formal pre-application meeting is required prior to submitting this application.

Pre-app mtg. date: Staff present:

The undersigned is/are the owner(s) of the described property on this application, located in the unincorporated area of Linn County, Iowa, assuring that the information provided herein is true and correct. I hereby give my consent for the office of Linn County Planning and Development to conduct a site visit and photograph the subject property.

This development is subject to and shall be required, as a condition of final development approval, to comply with all Unified Development Code policies, requirements, and standards that are in effect at the time of final development approval.

Owner: Applicant:
Date: 3-12-2020
Date: 3-12-20

Case #: JR20-0001
Receipt#:
CASE # JR20-0001
EXECUTIVE SUMMARY
REZONING
STAFF CONTACT: STEPHANIE LIENTZ

OWNER/APPLICANT INFORMATION

OWNER/APPLICANT: Joseph & Leslie Saddecky
MAILING ADDRESS: 5115 Honey Grove Rd
                  Ely, IA 52227
PROPERTY ADDRESS: 5000 Block of Honey Grove Rd

REQUEST

The applicant is proposing to rezone the 28.82 acre subject property from the AG (Agricultural) zoning district to the RR2 (Rural Residential 2-Acre) zoning district. The subject property is located within the RRD2 (Rural Residential Development Area 2-Acre) on the Linn County Rural Land Use Map.

A 1-lot final plat case (JF20-0003) is running concurrently with this case.

OUTSTANDING ISSUES AND STANDARDS FOR APPROVAL

This proposal meets the standards for approval per Article IV, Section 107-72 of the Linn County Unified Development Code (UDC). The parcel meets LESA requirements, and earned a LESA score of 122.0 (the minimum threshold needed to pass in RRDA areas is 110). The subject property does not currently meet the MLS requirement of being ½ of a mile from county maintained hard surfaced road. The applicant has an agreement with the Linn County Secondary Road department to hard surface Honey Grove Road up to the point where it is ¼-mile from the subject property, and has placed money in escrow to cover these future costs. A building permit can be issued prior to the completion of the surfacing work due to the escrow account.

STAFF RECOMMENDATION

Staff recommends approval subject to the conditions of the staff report.
PZC APPROVAL

STAFF REPORT
REZONING
JR20-0001

Planning and Zoning Commission Meeting: APRIL 20, 2020
Board of Supervisors First Consideration: MAY 4, 2020

PROPERTY INFORMATION:

MAP DESIGNATION: RRD2 (Rural Residential Development 2-Acre Area)

CURRENT ZONING: AG
(Agricultural)

PROPOSED ZONING: RR2 (Rural Residential 2-Acre)

SURROUNDING LAND USES AND ZONING
- North – Agricultural, timber, 3 single-family dwellings; AG
- South – Residential, 4 single-family dwellings; RR2
- East – Agricultural, timber; AG
- West – Residential, 3 single-family dwellings; RR1

PLAT SIZE: 28.82 acres

FORMAL PRE-APPLICATION MEETING:
The surveyor met with staff on February 26, 2020.

MLS AND LESA REQUIREMENTS:
Minor subdivisions that create additional buildable lots are subject to Minimum Levels of Service (MLS) requirements per Article IV, Section 107-72, § (3)(b). The MLS standards for RRDA (Rural Residential Development Area) are outlined in Appendix A of the Linn County Unified Development Code (UDC). The subject property does not currently meet the MLS requirement of being located within ¼ of a mile from county maintained hard surfaced road. However, the applicant has an agreement with the Linn County Secondary Road department to hard surface Honey Grove Road up to the point where it is ¼-mile from the subject property, and will place money into an escrow account to cover these costs in the future. Therefore, the MLS requirements are considered to be met by the proposed subdivision.

Minor subdivisions that create additional buildable lots are subject to Land Evaluation Site Assessment (LESA) requirements per Article IV, Section 107-70, § (1)(h) of the UDC. The minimum LESA threshold score that parcels
must meet to be eligible for subdivision within an area designated as RRDA on the Rural Land Use Map is 110 points. The subject parcel received a score of 122.0, which exceeds the minimum required threshold score.

FINDINGS OF FACT:

1. Joseph & Leslie Sadecky are the owners of the subject property, which is generally described as Parcel B of Plat of Survey No. 982, and contains approximately 28.82 acres.

2. The property is currently zoned AG (Agricultural).

3. The property is designated as RRD2 (Rural Residential 2-Acre Development Area) on the Rural Land Use Map.

4. A development application was received on March 13, 2020 to rezone the subject property from AG to RR2 (Rural Residential 2-Acre) for the purpose of building one single-family dwelling.

5. The property is currently undeveloped, and is considered to be a non-buildable Outlot, which was the remainder of a parent parcel after a Residential Parcel Split case (PS-04-03) was recorded.

6. In accordance with Article IV, Section 107-69, Standards for Review, of the UDC, the proposed development is subject to the following requirements, including but not limited to:
   a. Minimum Levels of Service (MLS) standards for public improvements and services as contained in Appendix A of the UDC;

   b. Animal feeding operations separation distance requirements as contained in Appendix C of the UDC; and

   c. Land Evaluation and Site Assessment (LESA) System criteria for lands designated RRDA (Rural Residential Development Area) as contained in Article IV, Section 107-70, of the UDC.

7. In accordance with Article IV, Section 107-70, of the UDC, no proposed development affected by the UDC shall be approved in the RRDA (Rural Residential Development Area) plan designation unless the proposed development has received at least 110 points under the LESA System.

8. The award of the minimum number of required points is considered the initial requirement for development approval. Other factors for consideration of development approval are contained in Article IV, Section 107-69, § (5), Additional Standards for Review, of the UDC.

9. The LESA evaluation for the proposed development resulted in a score of 122.0 out of 275 possible points.

CONCLUSIONS OF LAW:

Animal feeding operations separation distance requirements. At the time of application, any proposed development that is located near an Iowa Department of Natural Resources (IDNR) permitted animal feeding operation shall be separated by the distance required for the type of structure as provided for in Appendix C of the UDC.

Analysis: The nearest IDNR permitted animal feeding operation lagoon, manure storage facility or confinement building is approximately 11.0 miles from the proposed development area as measured from aerial photography.

Conclusion: The requirements of Appendix C of the UDC Code appear to be met by the proposed development.

Land evaluation and site assessment. All requirements of Article IV, Section 107-70, of the UDC shall be met as a condition of approval.

Analysis: The LESA score for the subject property is 122.0 out of 275 possible points. A copy of the LESA Summary Sheet is attached and made part of this report.
Conclusion: The proposed development meets the required LESA threshold score.

Article IV, Section 107-69, § (5), Additional Standards for Review of the UDC states that any proposed development must be consistent with the Comprehensive Plan, the purposes and intent of the UDC and the supplemental policies, requirements and standards of the UDC, including but not limited to:

a. The proposed development is not detrimental to existing agricultural uses.  
Analysis: Approximately 6.25 acres of the subject property is currently involved in hay production, and this agricultural operation may cease with the transfer of the land to another property owner. The combined average weighted CSR value for the subject property is approximately 42.61.

The land use designation of the subject property is RRD2 (Rural Residential 2-Acre Development Area) on the Linn County Rural Land Use Map. Per the Linn County Comprehensive Plan and the Unified Development Code, Rural Residential Development Areas are intended to allow for the logical expansion of low-density, rural character residential development, provided that MLS and LESA requirements are met for a proposed subdivision. As previously discussed, MLS and LESA requirements are met by this proposal.

Conclusion: Based on the above analysis, and the proposed development is not detrimental to existing agricultural uses.

b. The proposed development will be served by adequate public facilities and services as set forth in a development agreement.

Analysis:

<table>
<thead>
<tr>
<th>MINIMUM LEVEL OF SERVICES FOR RRDA – Residential (Traditional)</th>
<th>MLS STANDARD</th>
<th>CURRENT LEVEL</th>
</tr>
</thead>
<tbody>
<tr>
<td>WATER</td>
<td>Individual Well</td>
<td>Individual Well</td>
</tr>
<tr>
<td>WASTEWATER</td>
<td>On-Site</td>
<td>On-Site</td>
</tr>
<tr>
<td>TRANSPORTATION</td>
<td>Class A County Road Within ¼-Mile of a Hard Surface Road</td>
<td>0.68 mile from intersection of Honey Grove Road and Plumberry Road, Seal Coat</td>
</tr>
<tr>
<td>FIRE PROTECTION</td>
<td>Within 5-Mile Radius of Fire Station</td>
<td>4.17 miles to Ely Fire Station</td>
</tr>
</tbody>
</table>

Conclusion: All minimum levels of service will be met.

c. The proposed development will not degrade significant environmental, ecological or natural resources.

Analysis: No threatened and endangered species, unique natural areas, or floodplain were identified on the subject property. There are some wetlands on the property; however, development is prohibited per NRCS conditions on the related final plat (JF20-0003) staff report.

Conclusion: Based on the above analysis, the proposed development will not degrade significant environmental, ecological or natural resources.

d. The proposed development achieves densities and uses in agricultural areas, critical natural resource areas, rural residential development areas and urban service areas as designated in the Comprehensive Plan.

Analysis: Table 3, Land Use Map Designations and Allowable Densities in the 2013 Linn County Comprehensive Plan indicates that the density of developments on parcels with a Land Use Designation of “Rural Residential Development Area (2-Acre Areas),” is 1 unit per 2 acres.

Conclusion: The proposed development achieves the recommended densities as designated on the Rural Land Use Map.
e. The proposed development is consistent with the goals, objectives and strategies of the Comprehensive Plan.

Table 1 below lists all of the Goals found within each of the seven (7) Plan Elements in the Linn County Comprehensive Plan and determines if the proposal supports, does not support, or is neutral to each individual Goal based on a review of the Objectives and Strategies found in the plan. Any Goals that are of significant consequence to Staff’s recommendation are discussed in greater detail below.

**Analysis:** The proposal is supported by a number of Goals and Objectives in the following Comprehensive Plan Elements: Hazard Planning, Resource Protection, Sustainable Development, and Transportation. The LESA scoring system was utilized in order to direct development away from areas best suited to agriculture and into areas with the existing infrastructure and capacity to support the type of development being proposed.

**Conclusion:** The proposal is generally in conformance with the Linn County Comprehensive Plan and therefore this criterion appears to be met.

<table>
<thead>
<tr>
<th>ELEMENTS</th>
<th>GOALS</th>
<th>Proposal Supports</th>
<th>Proposal Does Not Support</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alternative and Renewable Energy</td>
<td>Goal 1: Encourage and support the development and use of alternative and renewable energy sources.</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Goal 2: Encourage and support energy efficiency strategies.</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Goal 3: Identify and mitigate barriers to the development of local alternative and renewable energy resources and increased energy efficiency strategies.</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Economic Development and Employment Opportunities</td>
<td>Goal 1: Encourage a diverse agricultural economy, including local foods and commodity-based agriculture.</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Goal 2: Seek opportunities to diversify and expand the local employment base by providing a supportive environment for existing and new businesses, as well as entrepreneurial activities.</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Goal 3: Support and encourage a well-educated, highly skilled, and diverse workforce prepared for an increasingly competitive global marketplace.</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Goal 4: Recognize that future economic success in the county depends on implementing sustainable business practices that protect our natural environmental systems.</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Hazard Planning</td>
<td>Goal 1: Identify and implement strategies to prevent the occurrence of human-made hazards.</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Goal 2: Reduce the risk of the loss of life, property, and economic activity as a result of the occurrence of natural and human-made hazards.</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Goal 3: Increase the capacity of local government and residents to respond to the occurrence of natural and human-made hazards.</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Goal 4: Increase the capacity of local government and residents to recover from the occurrence of natural and human-made hazards.</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Category</td>
<td>Goal</td>
<td>Alternative</td>
<td></td>
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<tr>
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<td>----------------------------------------------------------------------</td>
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<tr>
<td>Livable Communities</td>
<td>Goal 1: Protect and enhance the health and safety of all Linn County residents.</td>
<td>X</td>
<td></td>
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<tr>
<td></td>
<td>Goal 2: Maximize resilience through the production and purchase of local and regional products, and the protection of local resources.</td>
<td></td>
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<tr>
<td></td>
<td>Goal 3: Enhance connectivity and opportunities for all through improvements in transportation, education, and communication.</td>
<td>X</td>
<td></td>
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<td></td>
<td>Goal 4: Plan for demographic trends and changes.</td>
<td>X</td>
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<tr>
<td></td>
<td>Goal 5: Value the county's unique and special places.</td>
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<tr>
<td>Resource Protection</td>
<td>Goal 1: Support initiatives designed to prevent soil erosion, improve soil quality, and educate the public on the importance of healthy soils in both urban and rural environments.</td>
<td>X</td>
<td></td>
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<tr>
<td></td>
<td>Goal 2: Encourage the long-term viability of agriculture.</td>
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<tr>
<td></td>
<td>Goal 3: Strive to maintain high-quality water resources.</td>
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<tr>
<td></td>
<td>Goal 4: Address drainage and stormwater management as a regional issue and foster multi-jurisdictional cooperation.</td>
<td>X</td>
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<tr>
<td></td>
<td>Goal 5: Support initiatives designed to protect or improve local air quality.</td>
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<td></td>
<td>Goal 6: Conserve and enhance natural resources, open space, and wildlife habitat throughout the county.</td>
<td>X</td>
<td></td>
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<tr>
<td></td>
<td>Goal 7: Balance accessibility to local mineral resources with public safety considerations and competing resource protection goals.</td>
<td>X</td>
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<tr>
<td>Sustainable Development</td>
<td>Goal 1: Maximize the use of existing gray infrastructure and adopt innovative green infrastructure techniques.</td>
<td>X</td>
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<td></td>
<td>Goal 2: Proactively address climate change through prevention and adaptation.</td>
<td>X</td>
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<tr>
<td></td>
<td>Goal 3: Incorporate enhanced stormwater management and erosion control practices into county development standards.</td>
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<tr>
<td></td>
<td>Goal 4: Encourage green building practices for new construction and major remodels, and consider code amendments that encourage or do not inhibit sustainable development practices.</td>
<td>X</td>
<td></td>
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</tr>
<tr>
<td></td>
<td>Goal 5: Reduce landfilled waste and support clean, efficient, economical, and environmentally sound management of solid waste.</td>
<td>X</td>
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</tr>
<tr>
<td>Transportation</td>
<td>Goal 1: Ensure land use decisions are coordinated with city, county, and regional transportation plans.</td>
<td>X</td>
<td></td>
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</tr>
<tr>
<td></td>
<td>Goal 2: Encourage alternatives to auto-dependent travel when making transportation, land use, and infrastructure decisions.</td>
<td>X</td>
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<tr>
<td></td>
<td>Goal 3: Consider environmental, cultural, and historic resources in planning future transportation corridors, and in the physical design of transportation infrastructure.</td>
<td>X</td>
<td></td>
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</tr>
<tr>
<td></td>
<td>Goal 4: Encourage a transportation system that improves the mobility, accessibility, connectivity, and safety for all residents.</td>
<td>X</td>
<td></td>
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<tr>
<td></td>
<td>Goal 5: Promote comprehensive strategies to reduce dependency on nonsustainable fuel sources and increase fuel efficiency.</td>
<td>X</td>
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</tr>
</tbody>
</table>

**ALTERNATIVES:**

The following alternatives may be considered:

1. Recommend approval of the proposal subject to conditions.
2. Recommend denial of the proposal.
3. Refer the proposal back to the applicant for additional review / information.

**STAFF RECOMMENDATION:**

Staff recommends Alternative 1, recommend approval of the proposal subject to conditions of the staff report.
IT IS THE RESPONSIBILITY OF THE APPLICANT TO COMPLETE ALL CONDITIONS, AS OUTLINED IN THIS STAFF REPORT, PRIOR TO FINAL APPROVAL OF THE CASE. IF YOU HAVE QUESTIONS REGARDING A CONDITION, CONTACT THE DEPARTMENT UNDER WHICH THAT CONDITION IS LISTED. THE CONTACTS’ NAMES AND PHONE NUMBERS ARE LISTED BELOW. ITEMS IN THE COMMENTS SECTION ARE NOT A REQUIREMENT TO BE MET PRIOR TO APPROVAL. THEY ARE INTENDED TO INCREASE YOUR KNOWLEDGE AND AWARENESS OF ISSUES THAT MAY POSSIBLY EXIST ON THE PROPERTY.

LINN COUNTY SECONDARY ROAD DEPARTMENT, 892 6400
BRAD KETELS, COUNTY ENGINEER, Brad.Ketels@linncounty.org
JON RESLER, ASSISTANT COUNTY ENGINEER, Jon.Resler@linncounty.org

1. No conditions to be met.

IOWA DEPARTMENT OF TRANSPORTATION
JOEL KEIM, ENGINEERING OPERATIONS TECHNICIAN, 730-1533
Joel.Keim@dot.iowa.gov

1. Not within the jurisdiction of the Iowa Department of Transportation.

LINN COUNTY PUBLIC HEALTH DEPARTMENT
SUE ELLEN HOSCH, ENVIRONMENTAL SPECIALIST, 892-6033
SueEllen.Hosch@linncounty.org

1. No conditions to be met.

Comments:

1. Prior to construction, a septic permit is required for each lot at which time a site survey will be conducted to determine the most suitable system. A percolation test will be required as part of the permitting process. If soil conditions are altered during development and construction, the septic area may be affected. Heavy equipment (large trucks, trailers, and all construction traffic) will compact soils and may void a previously approved on-site septic absorption site. This may change any of the statements attached to this plat regarding the septic system. A non-conventional system may be necessary due to soil compaction, addition of fill material, or alteration of site.

NATURAL RESOURCES CONSERVATION SERVICE
JON GALLAGHER, LINN COUNTY SOIL CONSERVATIONIST
JOHN BRUENE, DISTRICT CONSERVATIONIST, 377-5960 x3
Jon.Gallagher@ia.nacdnnet.net

1. No conditions to be met.

LINN COUNTY CONSERVATION DEPARTMENT
DANIEL GIBBINS, 892-6450
Daniel.Gibbins@linncounty.org

1. No conditions to be met.
1. No conditions to be met.

2. Prior to close of the Board of Supervisors' public hearing, the owner must sign an “Acceptance of Conditions” form. The “Acceptance of Conditions” form states that the owner understands and agrees to comply with the agreed upon conditions as negotiated or required by the Board of Supervisors. It is strongly recommended that the owner meet with the Planning and Development staff to review the conditions of the rezoning.

3. Prior to approval of the final plat, the landowner shall sign an “Agricultural Land Use Notification” form that has been provided by the Zoning Administrator. The landowner shall insure that such notification shall be attached to the deed and shall become a separate entry on the abstract of title for all the property that is subject of the permit or development as per Article V, Section 107-91, § (h) of the Unified Development Code.

4. Rezoning will be finalized when the plat bound copies are ready to be approved by the Linn County Board of Supervisors, including a development agreement as appropriate.

5. As a result of the LESA evaluation, it has been determined that there is a presence of archeological or historical sites within the quarter section of land that this development is located within. If artifacts are discovered during development, all excavation/development activities will cease until such time as the Office of the State Archaeologist determines that activity may recommence.

6. Final plat bound copies must be approved on or before APRIL 20, 2021 or this rezoning will become null and void.

Planning & Zoning Commission Approval on April 20, 2020

<table>
<thead>
<tr>
<th></th>
<th>Absent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carson</td>
<td></td>
</tr>
<tr>
<td>Eilers</td>
<td>Aye</td>
</tr>
<tr>
<td>Landa</td>
<td>Aye</td>
</tr>
<tr>
<td>Maxwell</td>
<td>Absent</td>
</tr>
<tr>
<td>Wagner │ Aye</td>
<td></td>
</tr>
<tr>
<td>Bellon</td>
<td>Aye</td>
</tr>
<tr>
<td>Gatewood</td>
<td>Aye</td>
</tr>
</tbody>
</table>
Marion Municipal Airport Land Use & Height Overlay Zoning
Public Hearing & 1st Consideration

New Zoning Chapter 104 & Zoning Map Amendment
Background

- Iowa Code Chapter 329 empowers local governments to enact airport protection zoning to regulate land uses and height of structures or other obstructions
  - Section 329.4, *Extraterritorial airport hazard areas*, provides City with authority to demand adoption of airport overlay zoning for unincorporated area

- October 3, 2019: City of Marion adopted Marion Municipal Airport Land Use & Height Overlay Zoning (Ord. 19-24)
October 14, 2019, the City requested the Board of Supervisors to consider adoption of airport protection overlay zoning for the unincorporated area.

October 21, 2019, the City requested the Linn County Planning & Zoning Commission to consider adoption of airport protection overlay zoning for the unincorporated area.
Background

- November 18, 2019: Planning & Zoning Commission postponed action to allow additional opportunity to provide information to affected property owners
- Two open houses have been held
  - December 9, 2019
  - December 16, 2019
- December 16, 2019: Planning & Zoning Commission recommended approval (4-2)
- January 6, 2020: BOS holds public hearing; tables 1st consideration
Background

• A 28E Agreement between the City of Marion and Linn County has been written to provide the administrative structure for the overlay zoning
Case JA19-0008

TEXT AMENDMENTS: NEW UDC CHAPTER 104
JA19-0008 Code of Ordinances Text
Amendments

• Rename existing Chapter 103 to *Eastern Iowa* Airport Zoning

• Adopt new Chapter 104, Marion Municipal Airport Land Use and Height Overlay Zoning
Chapter 104: Marion Municipal Airport Land Use & Height Overlay Zoning

• Proposed overlay zoning districts are:
  – Zone A: Runway Protection Zone (RPZ)
  – Zone B: Approach Zone
  – Zone C: Transitional Surface
  – Zone D: Horizontal Surface
  – Zone E: Conical Surface

• Height and use restrictions based on location within overlay zones

• Table 3, Airport Land Use Table identifies uses as Compatible (C), Additional Review (AR), or Not Compatible (NC)
# Chapter 104: Marion Municipal Airport Land Use & Height Overlay Zoning

## Table 3: Airport Land Use Table (example)

<table>
<thead>
<tr>
<th>Land Uses</th>
<th>Zone</th>
<th>Zone</th>
<th>Zone</th>
<th>Zone</th>
<th>Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Activities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Detached Single Family Dwelling (i.e. farm dwelling, detached single family house, manufactured/modular/mobile homes 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>Two Family Uses (i.e. two principal dwelling units within one building on the same parcel)</td>
<td>NC</td>
<td>AR</td>
<td>NC</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Multi-Family Uses (i.e. three or more principal dwelling units within a single building on the same parcel, apartments such as condominium, elder, assisted living, townhouse-style)</td>
<td>NC</td>
<td>NC</td>
<td>NC</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Group Living Uses (i.e. assisted living, group care facilities, nursing and convalescent homes, independent group living)</td>
<td>NC</td>
<td>NC</td>
<td>NC</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Manufactured Housing Parks</td>
<td>NC</td>
<td>NC</td>
<td>NC</td>
<td>C</td>
<td>C</td>
</tr>
</tbody>
</table>

C = Compatible  AR = Additional Review Required  NC = Not Compatible
NEW OVERLAY ZONING DISTRICTS: MAP AMENDMENT

Case JR19-0004
Standards for Review

- Conformance to Animal Feeding Operation (AFO) separation requirements, LESA System, Minimum Level of Services requirements

- The proposed development is not detrimental to agricultural uses

- The proposed development will not degrade significant environmental, ecological or natural resources

- The proposed development achieves densities and uses on the Land Use Map designations

- The proposed development is consistent with the goals, objectives and strategies of the Comprehensive Plan
Alternatives & Recommendation

The following alternatives may be considered:

1. Approve 1\textsuperscript{st} consideration of the text amendments and overlay zoning subject to conditions.
2. Disapprove on 1\textsuperscript{st} consideration the text amendments and overlay zoning.
3. Refer the proposals back for additional review or information.

Staff Recommendation: Staff recommends Alternative 1, recommend approval of 1\textsuperscript{st} consideration, subject to conditions of the staff report (28E Agreement).

PZC Recommendation: Recommend approval (4-2)
STAFF REPORT
CHAPTER 104 LINN COUNTY CODE OF ORDINANCES
TEXT AMENDMENTS

Planning and Zoning Commission Meeting: DECEMBER 16, 2019
Board of Supervisors First Consideration: JANUARY 6 MAY 4, 2020
Board of Supervisors Second Consideration: JANUARY 8 MAY 6, 2020
Board of Supervisors Third Consideration: JANUARY 15 MAY 13, 2020

CASE: JA19-0008
REQUEST: Chapter 104 Linn County Code of Ordinances Text Amendments
PETITIONER: Planning and Development
STAFF CONTACT: LES BECK

Overview:
The City of Marion recently adopted Ordinance 19-24, to enact the Marion Municipal Airport Land Use and Height Overlay Zoning. The purpose of the city’s Ordinance is to regulate land uses and the height of structures, objects, and growth of natural vegetation within the vicinity of the Marion Municipal Airport and the projected growth of the airport. The overlay zoning includes land beyond the corporate limits of the City of Marion.

Iowa Code section 329.4, Extraterritorial airport hazard areas, empowers local governments to zone height and land use restrictions around airports, including land beyond the limits of the city owning the airport. While this power is optional for Linn County as applied to the unincorporated land within the overlay zone, the City may demand adoption with recourse through district court, should the County fail to adopt the airport protection overlay zoning.

A 28E Agreement between the City of Marion and Linn County regarding the administration of the overlay zoning will be adopted concurrently with the Marion Municipal Airport Land Use and Height Overlay Zoning Ordinance.

The proposed ordinance language is attached.

Alternatives:
The Commission has the following alternatives:

1. Recommend to the Board of Supervisors approval of the proposed Marion Municipal Airport Land Use & Height Overlay Zoning regulations;
2. Recommend to the Board of Supervisors denial of the proposed Marion Municipal Airport Land Use & Height Overlay Zoning regulations;
3. Refer the proposed regulations back to staff for additional review.

Recommendation:
Staff recommends Alternative 1, recommend to the Board of Supervisors approval of the proposed Marion Municipal Airport Land Use & Height Overlay Zoning regulations

Planning & Zoning Commission meeting December 16, 2019:
Motion by Grenis, second by Bellon, to recommend approval of the proposed amendment, Case JA19-0008, subject to the conditions of the staff report. Roll call vote:

Eilers Aye
Landa Aye
Grenis Aye
Bellon Aye
Gatewood Absent
Maxwell Nay
Carson Nay

Board of Supervisors meeting January 6, 2020:
Motion by Oleson, second by Walker, to table first consideration of the proposed amendment, Case JA19-0008. Motion carried unanimously.
ORDINANCE  _____

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. (FAA FAR Sec. 36.1) Regulation establishing noise standards for civil aviation fleet.
   2) FAR Part 91. (FAA FAR Sec. 91.1) Regulation pertaining to air traffic and general operating rules, including operating noise limits.
   3) FAR Part 150. (FAA FAR Sec. 150.1) Regulation pertaining to airport noise compatibility planning.
   4) FAR Part 161. (FAA FAR Sec. 161.1) Regulation pertaining to notice and approval of airport noise and access restrictions.
   5) FAR Part 77. (FAA 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. (FAA 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 150/5300-13) 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.

Sec. 104-9. Removal of Obstructions. 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 1: Runway Protection Zone Dimensions

<table>
<thead>
<tr>
<th>Approach Visibility</th>
<th>Approach Visibility Minimums</th>
<th>Dimensions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Length L feet</td>
</tr>
<tr>
<td>Visual and not lower than 1-Mile</td>
<td>Aircraft Approach Categories A &amp; B</td>
<td>1,000</td>
</tr>
</tbody>
</table>

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.

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.
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 2: Airport Overlay Zones Size and Configuration

<table>
<thead>
<tr>
<th>Item</th>
<th>Runway Dimensional Standards (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Runway 17</td>
</tr>
<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>
</tr>
<tr>
<td>Zone E - width</td>
<td>4,000</td>
</tr>
</tbody>
</table>

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

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

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])

Sec. 104-14. – Conflicting Regulations.

   A. 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.

Sec. 104-15. - Severability.

   A. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance, which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Sec. 104-16. – Effective Date.

   A. This ordinance shall be in effect from and after its adoption by the governing body and publication and posting as required by law, as provided for in Chapter 380.6 and 380.7, Iowa Code. (Code of Iowa, Sec. 380.6[1]; Sec. 380.7[3]; and Sec. 362.3)

   Section 3: That all other chapters shall remain unchanged by this ordinance.

   Section 4: That all ordinances and parts of ordinances in conflict with the same are hereby repealed.

   Section 5. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Passed and approved this ____ day of May 2020

____________________________________________________
Chair, Linn County Board of Supervisors
ATTEST:
I, Joel D. Miller, Auditor, Linn County, Iowa hereby certify that at a meeting of the Board of Supervisors of said County, held on the above date, among other proceedings the above was adopted.

________________________
Joel D. Miller, Auditor
OWNER/APPLICANT INFORMATION

APPLICANT:  LINN COUNTY PLANNING & DEVELOPMENT DEPARTMENT
MAILING ADDRESS:  935 2ND ST SW, CEDAR RAPIDS, IA 52404

REQUEST

The City of Marion recently adopted Ordinance 19-24, to enact the Marion Municipal Airport Land Use and Height Overlay Zoning. The purpose of the city’s Ordinance is to regulate land uses and the height of structures, objects, and growth of natural vegetation within the vicinity of the Marion Municipal Airport and the projected growth of the airport. The overlay zoning includes land beyond the corporate limits of the City of Marion.

The following narrative is excerpted from the City of Marion’s Council Agenda Memo dated August 20, 2019.

The Marion Airport was a long-standing, privately run airport when the City of Marion purchased it in 2015 from the Waltons. In 2016, the City received a grant from the Iowa Department of Transportation (IDOT) to create an Airport Layout Plan (ALP) for the future growth of the Marion Municipal Airport. In 2017, the City Council adopted the Marion Airport Layout Plan and received an additional grant from the IDOT for services related to establishing Comprehensive Plan and Zoning regulations relating to the protection of the airspace surrounding the Marion Municipal Airport. Since the award of the planning grant, the City also received a grant from the IDOT to reconstruct the existing airport runway; however, the IDOT has made it clear that no reimbursement of funds will be made until the City adopts Comprehensive Plan and Zoning regulations to protect the investment (reconstruction) in the Marion Airport. In May of 2019, the Planning and Zoning Commission recommended a Comprehensive Plan and Land Use Map amendment for the Marion Airport, based off the approved ALP. In July 2019, the City Council approved a Comprehensive Plan and Land Use Map amendment for the north/south runway at a length of 4,000 feet, north of the existing Grant Wood Trail. The full extent of the adopted ALP remains unchanged at this time.
OUTSTANDING ISSUES AND STANDARDS FOR APPROVAL

Iowa Code section 329.4, *Extraterritorial airport hazard areas*, empowers local governments to zone height and land use restrictions around airports, including land outside the limits of the city owning the airport. While this power is optional for Linn County as applied to the unincorporated land within the overlay zone, the City may demand adoption with recourse through district court, should the County fail to adopt the airport protection overlay zoning.

A 28E Agreement between the City of Marion and Linn County regarding the administration of the overlay zoning shall be adopted concurrently with the Marion Municipal Airport Land Use and Height Overlay Zoning Ordinance.

STAFF RECOMMENDATION

Staff recommends approval subject to the conditions of the staff report.
BOS 3rd & final consideration
BOS 2nd consideration
BOS 1st consideration 01/06/19 (tabled) 05/04/20
PZC recommended approval 12/16/19
PZC tabled case 11/18/19

**STAFF REPORT**
**REZONING**
**JR19-0004**

Planning and Zoning Commission Meeting: **November 18, 2019 (ACTION POSTPONED)**
Planning and Zoning Commission Meeting: **December 16, 2019**
Board of Supervisors Public Hearing & First Consideration: **January 6, 2020 (tentative)**

**PROPERTY INFORMATION:**

**MAP DESIGNATION:** The current Linn County Land Use Plan Map designations will remain unchanged.

**CURRENT ZONING:** The current Linn County “base” zoning will remain unchanged.

**PROPOSED OVERLAY ZONING:** The proposed Airport Overlay Zoning Districts are:

- Zone A: Runway Protection Zone (RPZ)
- Zone B: Approach Zone
- Zone C: Transitional Surface
- Zone D: Horizontal Surface
- Zone E: Conical Surface

**FINDINGS OF FACT:**

1. Iowa Code Chapter 329, *Airport Zoning*, empowers municipalities to enact airport protection zoning to specify the permitted land uses, and regulate and restrict the height of structures, trees, or other obstructions within the overlay zones.

2. Iowa Code section 329.4, *Extraterritorial airport hazard areas*, provides the airport governing municipality (in this case the City of Marion) with the authority to demand adoption with recourse through district court, should the County fail to adopt the airport protection overlay zoning in the unincorporated area.

3. On September 5, 2019, the City of Marion adopted Ordinance 19-24, enacting Chapter 176.53, Marion Municipal Airport Land Use and Height Overlay Zoning, of the Marion Code of Ordinances. The proposed Overlay Zoning and Overlay Zoning Map is meant to:
   a) Establish a clear intent and purpose for the creation of zoning regulations relating to the Marion Airport;
   b) Establish definitions relating to the regulation of the Overlay Zoning;
   c) Establish 5 Zones within the Overlay that provide needed protections of the airport airspace;
d) Identify the regulation of nonconforming land uses or structures that may be created with the Overlay Zoning;
e) Identify how Compatible, Noncompatible, and Additional Review on land uses would occur, and;
f) Establish the Airport Board of Adjustment.

4. On October 14, 2019, Tom Treharne, City of Marion Community Development Director, appeared in front of the Linn County Board of Supervisors to discuss the Marion Municipal Airport Land Use and Height Overlay Zoning and to request consideration by the County of airport protection overlay zoning for the unincorporated area.

5. On October 21, 2019, Tom Treharne, City of Marion Community Development Director, appeared in front of the Linn County Planning & Zoning Commission to discuss the Marion Municipal Airport Land Use and Height Overlay Zoning and to request consideration by the County of airport protection overlay zoning for the unincorporated area.

6. The proposed zoning consists of “overlay” zones. The underlying zoning will remain unchanged, and will provide the first level of governance on permitted land uses and height limitations on structures. The overlay zones will place additional restrictions on land uses and heights of structures within the overlay zones. In a case of conflict between the two, the more strict regulations shall apply.

7. The Linn County Planning & Development Department is acting as the applicant in the requested adoption of the Marion Municipal Airport Land Use and Height Overlay Zoning Ordinance.

8. A 28E Agreement between Linn County and the City of Marion is being written to provide the administrative structure for the overlay zoning.

9. On November 18, 2019, the Linn County Planning & Zoning Commission postponed action for a month to allow for additional public input.

10. On November 27, 2019, a notice of upcoming open houses was mailed to affected property owners in unincorporated Linn County. The notice listed the dates and times of two open houses, a map of the proposed overlay zones, and a URL address to a copy of the draft overlay ordinance.

11. On December 9, 2019, an open house was held at the Marion City Hall. The purpose of the open house was to provide an opportunity for the public to ask questions and to learn specifics about the proposed overlay districts as applied to affected property.

12. On December 16, 2019, a second open house was held at the Linn County Public Service Center prior to the Planning & Zoning Commission meeting.

13. On December 16, 2019, the Planning & Zoning Commission recommended approval to the Board of Supervisors (4-2-1 absent).

14. On January 6, 2020, the Board of Supervisors held a public hearing on the proposed amendments. At the conclusion of the public hearing, the Board tabled the rezoning.

CONCLUSIONS OF LAW:

Animal feeding operations separation distance requirements, Land Evaluation and Site Assessment (LESA) point threshold requirements, and Minimum Level of Services (MLS) requirements. The Marion Municipal Airport Land Use and Height Overlay Zoning will place certain restrictions on land uses and heights of obstructions within the overlay zones. The underlying zoning will remain unchanged. There is no new development proposed as a part of this rezoning; therefore, the animal feeding operation separation requirements, the LESA point threshold requirements, and the MLS requirements are not applicable to the review.
Article IV, Section 107-69, § (5), Additional Standards for Review. This section of the UDC states that any proposed development must be consistent with the Comprehensive Plan, the purposes and intent of the UDC and the supplemental policies, requirements and standards of the UDC, including but not limited to:

a. The proposed development is not detrimental to existing agricultural uses.

Analysis: Agricultural uses are permitted in every underlying zoning district except the MH Mobile Home District. Additionally, the State of Iowa has declared that farms should be able to operate relatively free from local restrictions. This “right to farm” is contained in the following sections from the Code of Iowa:

335.2 Farms exempt. Except to the extent required to implement section 335.27, no ordinance adopted under this chapter applies to land, farmhouses, farm barns, farm outbuildings or other buildings or structures, which are primarily adapted, by reason of nature and area, for use for agricultural purposes, while so used.

331.304.3.b Farms exempt. A county building code shall not apply to farmhouses or other farm buildings, which are primarily adapted for use for agricultural purposes, while so used or under construction for that use.

Linn County administers the farm exemption provisions of the Code of Iowa through the Agricultural Exemption Application review process. The 28E Agreement between Linn County and the City of Marion will include provisions for review of exemption applications for agricultural structures by the City. Notwithstanding the exemption provisions, any agricultural structure must comply with the overlay district height restrictions.

The maximum height for principal structures, except for agricultural buildings (which are exempt from zoning), utilities, and communication towers or wind towers, within any of the underlying base zoning districts is 45’ (most districts are limited to 35’). Except for Zone A, Runway Protection Zone, and Zone B, Approach Zone, the overlay zoning restrictions should not adversely impact allowable development within the underlying base zoning districts.

Conclusion: Based on the above analysis, the proposed overlay zoning is not detrimental to existing agricultural uses.

b. The proposed development will not degrade significant environmental, ecological or natural resources.

Analysis: There is no new development proposed as a part of this rezoning. The underlying zoning will remain unchanged.

Conclusion: Based on the above analysis, the proposed overlay zoning will not degrade significant environmental, ecological or natural resources.

c. The proposed development achieves densities and uses in agricultural areas, critical natural resource areas, rural residential development areas and urban service areas as designated in the Comprehensive Plan.

Analysis: There is no new development proposed as a part of this rezoning. The underlying zoning will remain unchanged.

Conclusion: The proposed overlay zoning will not impact the recommended densities as designated on the Rural Land Use Map.

d. The proposed development is consistent with the goals, objectives and strategies of the Comprehensive Plan.

Table 1 below lists all of the Goals found within each of the seven (7) Plan Elements in the Linn County Comprehensive Plan and determines if the proposal supports, does not support, or is neutral to each individual Goal based on a review of the Objectives and Strategies found in the plan.
Conclusion: The proposal is generally in conformance with the Linn County Comprehensive Plan.

Table 1. Linn County Comprehensive Plan Goals

<table>
<thead>
<tr>
<th>ELEMENTS</th>
<th>GOALS</th>
<th>Proposal Supports</th>
<th>Proposal Does Not Support</th>
<th>N/A</th>
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<tbody>
<tr>
<td>Alternative and Renewable Energy</td>
<td>Goal 1: Encourage and support the development and use of alternative and renewable energy sources.</td>
<td></td>
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<td>Goal 2: Encourage and support energy efficiency strategies.</td>
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<td></td>
<td>Goal 3: Identify and mitigate barriers to the development of local alternative and renewable energy resources and increased energy efficiency strategies.</td>
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<tr>
<td>Economic Development and Employment Opportunities</td>
<td>Goal 1: Encourage a diverse agricultural economy, including local foods and commodity-based agriculture.</td>
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<tr>
<td></td>
<td>Goal 2: Seek opportunities to diversify and expand the local employment base by providing a supportive environment for existing and new businesses, as well as entrepreneurial activities.</td>
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<td>Goal 3: Support and encourage a well-educated, highly skilled, and diverse workforce prepared for an increasingly competitive global marketplace.</td>
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<td></td>
<td>Goal 4: Recognize that future economic success in the county depends on implementing sustainable business practices that protect our natural environmental systems.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hazard Planning</td>
<td>Goal 1: Identify and implement strategies to prevent the occurrence of human-made hazards.</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Goal 2: Reduce the risk of the loss of life, property, and economic activity as a result of the occurrence of natural and human-made hazards.</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Goal 3: Increase the capacity of local government and residents to respond to the occurrence of natural and human-made hazards.</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Goal 4: Increase the capacity of local government and residents to recover from the occurrence of natural and human-made hazards.</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Livable Communities</td>
<td>Goal 1: Protect and enhance the health and safety of all Linn County residents.</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Goal 2: Maximize resilience through the production and purchase of local and regional products, and the protection of local resources.</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Goal 3: Enhance connectivity and opportunities for all through improvements in transportation, education, and communication.</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Goal 4: Plan for demographic trends and changes.</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Goal 5: Value the county's unique and special places.</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

^1 The Linn County Wind Farm Siting Feasibility Study, conducted by the University of Iowa Office of Outreach and Engagement, placed a 20,000’ buffer around the Marion Municipal Airport as part of the compatibility analysis.
### Resource Protection

| Goal 1: Support initiatives designed to prevent soil erosion, improve soil quality, and educate the public on the importance of healthy soils in both urban and rural environments. | X |
| Goal 2: Encourage the long-term viability of agriculture. | X |
| Goal 3: Strive to maintain high-quality water resources. | X |
| Goal 4: Address drainage and stormwater management as a regional issue and foster multi-jurisdictional cooperation. | X |
| Goal 5: Support initiatives designed to protect or improve local air quality. | X |
| Goal 6: Conserve and enhance natural resources, open space, and wildlife habitat throughout the county. | X |
| Goal 7: Balance accessibility to local mineral resources with public safety considerations and competing resource protection goals. | X |

### Sustainable Development

| Goal 1: Maximize the use of existing gray infrastructure and adopt innovative green infrastructure techniques. | X |
| Goal 2: Proactively address climate change through prevention and adaptation. | X |
| Goal 3: Incorporate enhanced stormwater management and erosion control practices into county development standards. | X |
| Goal 4: Encourage green building practices for new construction and major remodels, and consider code amendments that encourage or do not inhibit sustainable development practices. | X |
| Goal 5: Reduce landfilled waste and support clean, efficient, economical, and environmentally sound management of solid waste. | X |

### Transportation

| Goal 1: Ensure land use decisions are coordinated with city, county, and regional transportation plans. | X |
| Goal 2: Encourage alternatives to auto-dependent travel when making transportation, land use, and infrastructure decisions. | X |
| Goal 3: Consider environmental, cultural, and historic resources in planning future transportation corridors, and in the physical design of transportation infrastructure. | X |
| Goal 4: Encourage a transportation system that improves the mobility, accessibility, connectivity, and safety for all residents. | X |
| Goal 5: Promote comprehensive strategies to reduce dependency on non-sustainable fuel sources and increase fuel efficiency. | |

### ALTERNATIVES:

The following alternatives may be considered:

1. Recommend approval of the proposal subject to conditions.
2. Recommend denial of the proposal.
3. Refer the proposal back to the applicant for additional review / information.

### STAFF RECOMMENDATION:

Staff recommends Alternative 1 for the following reasons:

1. 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.
2. The proposed overlay zoning conforms to pertinent standards for review as contained in the Linn County Unified Development Code.

IT IS THE RESPONSIBILITY OF THE APPLICANT TO COMPLETE ALL CONDITIONS, AS OUTLINED IN THIS STAFF REPORT, PRIOR TO FINAL APPROVAL OF THE CASE. IF YOU HAVE QUESTIONS REGARDING A CONDITION, CONTACT THE DEPARTMENT UNDER WHICH THAT CONDITION IS LISTED. THE CONTACTS’ NAMES AND PHONE NUMBERS ARE LISTED BELOW. ITEMS IN THE COMMENTS SECTION ARE NOT A REQUIREMENT TO BE
MET PRIOR TO APPROVAL. THEY ARE INTENDED TO INCREASE YOUR KNOWLEDGE AND AWARENESS OF ISSUES THAT MAY POSSIBLY EXIST ON THE PROPERTY.

LINN COUNTY SECONDARY ROAD DEPARTMENT, 892-6400
BRAD KETELS, COUNTY ENGINEER, Brad.Ketels@linncounty.org
JON RESLER, ASSISTANT COUNTY ENGINEER, Jon.Resler@linncounty.org

1. No conditions to be met.

IOWA DEPARTMENT OF TRANSPORTATION
JOEL KEIM, ENGINEERING OPERATIONS TECHNICIAN, 730-1533
Joel.Keim@dot.iowa.gov

1. If any work is to be done in the State of Iowa right-of-way, contact the IDOT for additional permits.

LINN COUNTY PUBLIC HEALTH DEPARTMENT
SUE ELLEN HOSCH, ENVIRONMENTAL SPECIALIST, 892-6033
SueEllen.Hosch@linncounty.org

1. No conditions to be met.

NATURAL RESOURCES CONSERVATION SERVICE
JON GALLAGHER, LINN COUNTY SOIL CONSERVATIONIST
JOHN BRUENE, DISTRICT CONSERVATIONIST, 377-5960 x3
Jon.Gallagher@ia.nacdnet.net

1. No conditions to be met.

LINN COUNTY CONSERVATION DEPARTMENT
DANIEL GIBBINS, 892-6450
Daniel.Gibbins@linncounty.org

1. No conditions to be met.

LINN COUNTY EMERGENCY MANAGEMENT
STEVE O’KONEK, 892-6500
Steve.OKonek@linncounty-ema.org

1. No conditions to be met.

LINN COUNTY PLANNING AND DEVELOPMENT
LES BECK, DIRECTOR, 892-5130
les.beck@linncounty.org

1. A 28E Agreement between the City of Marion and Linn County regarding the administration of the Marion Municipal Airport Land Use and Height Overlay Zoning shall be adopted concurrently with the Marion Municipal Airport Land Use and Height Overlay Zoning Ordinance.

November 18, 2019: Planning & Zoning Commission recommendation to postpone action on Case JR19-0004 until December, to provide for additional public input.

Maxwell  Aye
Gatewood  Absent
Carson  Absent
December 16, 2019: Planning & Zoning Commission recommended approval of case JR19-0004

Gatewood Absent
Bellon Aye
Eilers Aye
Carson Nay
Grenis Aye
Landa Aye
Maxwell Nay

January 6, 2020: Board of Supervisors tables first consideration.
Marion Airport Height Overlay Map

- Primary Surface
- Zone A: RPZ
- Zone B: Approach (34:1)
- Zone C: Transitional Surface (7:1)
- Zone D: Horizontal Surface (150 ft)
- Zone E: Conical Surface (20:1)
LINN COUNTY BOARD OF SUPERVISORS

RESOLUTION # ___________________________

APPROVING A FINAL PLAT

WHEREAS, a final plat of ROLLING ACRES GREENS FIRST ADDITION (Case #JF20-0001) to Linn County, Iowa, containing five (5) lots, numbered Lots 1, 2, 3, 4 and lettered Lot A has been filed for approval, a subdivision of real estate located in the NE NW of Section 5, Township 85 North, Range 5 West of the 5th P.M., Linn County, Iowa, described as follows:

Beginning at the N 1/4 Corner of said Section 5; thence N89°52'52"E along the north line of said NE FRL 1/4, 515.56 feet; thence S00°33'04"W, 1790.88 feet; thence S87°12'57"W, 870.57 feet to the centerline of Rolling Acres Road; thence N21°34'05"W along said centerline, 281.91 feet; thence N19°36'05"W along said centerline, 1389.90 feet; thence NW-IV along said centerline on an arc of 169.75 feet of a 282.00-foot radius curve to the left, having a chord length of 167.20 feet, bearing N32°14'35"W; thence N44°53'05"W, along said centerline 181.48 feet; thence S89°31'46"E along the north line of said NW FRI- 1/4, 1158.43 feet to the Point of Beginning, containing 50.99 acres which includes 1.85 acres of road right of way.

WHEREAS, said plat is accompanied by a certificate acknowledging that said subdivision is by, and with the free consent of the proprietors, and is accompanied by a certificate dedicating certain property to the public, as shown on the plat; and

WHEREAS, said plat and its attachments thereto have been found to conform to the requirements of the comprehensive plan and the subdivision ordinance; and the requirements of other ordinances and state laws governing such plats; and

WHEREAS, the following conditions as listed on the Planning and Development Staff Report of JANUARY 15 2020 as last amended on FEBRUARY 17, 2020 have been addressed:

LINN COUNTY SECONDARY ROAD DEPARTMENT, 892-6400
1. Entrance permit required for new entrances and existing unpermitted entrances, County Standard Specifications Sec.11 and the Unified Development Code, Article IV, Sec. 107-72 § 2 (h)(5). All approved entrances shall be brought into conformance with County standards. Two shared entrances are allowed. One shared entrance shall be located between Lot 1 and Lot 2. The second shared entrance shall be located between Lot 3 and Lot 4. No other entrances are allowed.
2. Dedication of road rights-of-way, County Standard Specifications, Section 5. Forty feet of right-of-way on Rolling Acres Road adjacent to development shall be dedicated to the County for road purposes.
3. Road agreement with conditions similar to final plat cases. County Standard Specifications, Section 1.
4. E-911 address signs are required at the time entrance permits are applied for at the Secondary Road Department.

IOWA DEPARTMENT OF TRANSPORTATION
1. Not within the Jurisdiction of the Iowa Department of Transportation.

LINN COUNTY PUBLIC HEALTH DEPARTMENT
1. No conditions to be met.
NATURAL RESOURCES CONSERVATION SERVICE

1. Show approximate location of natural drainage ways and a note restricting building within the natural drainage way should be shown on the final plat. Contact the NRCS office for widths and building restriction requirements.

2. Land disturbance greater than 1 acre in size, not associated with agricultural crop production, will require a NPDES permit granted by the Iowa Department of Natural Resources.

3. Applicant shall complete and submit a Land Disturbing Affidavit to the Linn Soil and Water Conservation District as required by Iowa Code.

4. **No offset fill to be allowed for use on proposed lots for the purposes of altering lot grades or elevations.**

5. **No additional subsurface drainage installation or open ditch construction that would outlet directly into existing surface ditches.**

6. A plan for maximum hard surface area per lot including proposed lot grades will be developed for each lot prior to construction.

7. **Stormwater management plan to be developed and approved. Plan shall include infiltration of the water quality volume as described in the Iowa Stormwater Management Manual.**

8. **A vegetative management plan consisting of a native grass and forb matrix shall be submitted and approved for the proposed stormwater management easement area as identified on Lots 1 and 4.**

**Development of a stormwater pollution prevention plan for each lot prior to construction**

LINN COUNTY CONSERVATION DEPARTMENT

No conditions to be met.

LINN COUNTY EMERGENCY MANAGEMENT

No conditions to be met.

LINN COUNTY PLANNING AND DEVELOPMENT - ZONING DIVISION

1. Accessory structures located on the proposed lots shall be used for personal storage or agriculture, and shall not be used for any unapproved commercial use(s).

2. Various revisions to the site plan and final plat.

3. Prior to approval of the final plat, the owner must sign an “Acceptance of Conditions” form. The “Acceptance of Conditions” form states that the owner understands and agrees to comply with the agreed upon conditions as stated in the staff report.

4. This plat lies within the 2-mile jurisdiction of the City of Center Point. As per Chapter 354 of the Code of Iowa, a certified resolution by any municipality that has authority to review the plat to either approve the plat or waive its right to review must be provided.

5. Approval of utility and drainage easements by the appropriate companies with all easements marked on the final plat bound copies.

6. The proposed subdivision name and proposed names of all roads, streets and lanes shall be submitted for review and approval by the Linn County Auditor’s office prior to approval of the final plat.

7. One original and 3 complete copies of the final plat bound documents that must include the following:
   i. Owner’s certificate and dedication certificate executed in the form provided by the laws of Iowa, dedicating to Linn County title to all property intended for public use, including public roads
   ii. Title opinion and a consent to plat signed by the mortgage holder if there is a mortgage or encumbrance on the property as well as a release of all streets, easements, or other areas to be conveyed or dedicated to local government units within which the land is located
   iii. Surveyor’s certificate
iv. Auditor's certificate
v. Resolution of the Planning and Zoning Commission
vi. Resolution of the Board of Supervisors
vii. Resolution of approval or waiver of review by applicable municipalities
viii. Treasurer's certificate
ix. Agricultural Land Use Notification. The landowner shall ensure that such notification shall be attached to the deed and shall become a separate entry on the abstract of title for all the property that is subject of the permit or development as per Article V, Section 107-91, §(h) of the UDC.
x. Restrictive covenants or deed restrictions, as separate instruments, not combined with any other instrument
xi. Three (3) copies of the surveyor's drawing
xii. A covenant for a secondary road assessment district

8. The final plat bound documents must be approved by the Linn County Board of Supervisors on or before **February 17, 2021** as per Article IV, Section 107-72, §(1)(g), and shall be recorded within 1 year of that approval, as per Article IV, Section 107-72, §(2)(f) of the UDC.

**NOW, THEREFORE, BE IT RESOLVED,** by the Board of Supervisors, of Linn County, Iowa, that said plat is hereby approved. The Board of Supervisors and County Engineer are hereby authorized to enter approval upon the final plat resolution. The Board of Supervisors' Chairperson is also hereby authorized to sign said plat which executes an acceptance of dedication of property to the public, as shown on said plat.

**NOW, THEREFORE BE IT FURTHER RESOLVED,** by the Board of Supervisors, of Linn County, Iowa, that said plat and plat proceedings shall not be changed or altered in any way, without the approval of the Linn County Board of Supervisors. Said plat and plat proceedings shall be recorded May 6th, 2021 to be valid.

**Passed and approved this 6th day of May, 2020**

Linn County Board of Supervisors

________________________________________
Chair

________________________________________
Vice Chair

________________________________________
Supervisor
Aye:

Nay:

Abstain:

Absent:

Attest:

____________________________________
Joel Miller, Linn County Auditor

____________________________________
Linn County Engineer

____________________________________
Brad Ketels, Engineer

State of Iowa  )
) SS
County of Linn  )

I, Joel Miller, County Auditor of Linn County, Iowa, hereby certify that at a regular meeting of the said Board of Supervisors, the foregoing resolution was duly adopted by a vote of:

___ Aye ___ Nay ___ Abstain ___ Absent

____________________________________
Joel Miller

Subscribed and sworn to before me by the aforesaid Joel Miller, _______________________,
on this _____ day of ____________________, 2020.

____________________________________
Notary Public State of Iowa
Proposal: Greater Cedar Rapids Community Foundation Disaster Response  
Organization: Eastern Iowa African Diaspora (EIAD)  
Applicant Information: Lemi Tilahun  
Contact: Ph: 319-213-3302 Email: lemitilahun@gmail.com  
Duration: March 23rd - April 23rd

Refugee families in Eastern Iowa are facing tremendous barriers to accessing critical information and resources during the COVID-19 crisis:

- Majority do not speak English; information given to the general public is not understood.
- Many are pre-literate; translated materials do not always help disseminate information.
- Misinformation about Covid-19 is widespread (i.e. “Africans can't get Coronavirus” “This is an Asian disease)
- 211 is not accessible in many needed languages (i.e. Kinyarwanda/ Swahili/ Lingala).
- 211 assumes refugees understand and can access recommended services (i.e. call the hospital)

In addition to the lack of accessible information about COVID-19, refugee families, many who have lived in the US for five years or less, are experiencing major barriers like:

- Lack of understanding of US healthcare system
- No in-person interpretation at health facilities (“language line” largely considered poor quality)
- Lack of computer literacy/ inability to access resources like unemployment or school-based learning for kids

Eastern Iowa African Diaspora (EIAD) proposes funding to address basic needs and services during this critical time. Funds will help refugees in Linn County:

1) **Access critical information about COVID-19**
2) Meet basic needs like: food, transportation, schedule medical appointments or access prescriptions, unemployment benefits and other support services

<table>
<thead>
<tr>
<th>Major Activities and Partners</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Objective</strong></td>
</tr>
<tr>
<td>1. Access critical information</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

---
c. Collaborate with EMBARC to develop educational audio/ video updates in the following languages: Kirundi, Kinyarwanda, French, Swahili

2. Access critical resources

a. Identify high need refugee families to ensure they are aware of resources: food banks, school resources, health information

- Hoover Elementary School, Karibu Market

b. Collaborate with EMBARC to expand crisis helpline to support refugees to:
   - Access food through food distribution, food assistance applications
   - Schedule health appointments, medicaid applications, prescription refills.
   - Access unemployment

- EMBARC, Stonebridge Church, RefugeeRISE AmeriCorps/ Volunteer Iowa, Iowa Workforce Development

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Total Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gas Cards</td>
<td>40 xs $20 for volunteers picking up transferring food/ transporting to work/ unemployment office/ doctors office/ childcare services</td>
<td>$800</td>
</tr>
<tr>
<td>Culturally Specific Food</td>
<td>Gift cards to Karibu Market - 60 x $75 Rice, spices, other grains, cooking oil, beans</td>
<td>$4,500</td>
</tr>
<tr>
<td>Interpretation and Translation services for Covid-19 Information key languages</td>
<td>2 Contract Interpreters/ $750 each - ($25/ 25 hours of outreach and education/ 5 hours of interpretation/ translation of key materials</td>
<td>$1,500</td>
</tr>
<tr>
<td>Unemployment and other workforce related support</td>
<td>2 Contract Interpreters/ $750 each - ($25/ 25 hours of outreach and education/ 5 hours of interpretation/ translation of key materials</td>
<td>$1,500</td>
</tr>
<tr>
<td>Caseworker to assist with coordination of services</td>
<td>1 contract caseworker ($18 per hour, 16 hours per week/ 4 weeks)</td>
<td>$1,200</td>
</tr>
<tr>
<td><strong>Total Requested</strong></td>
<td></td>
<td>$9,500</td>
</tr>
</tbody>
</table>
TO: Linn County

DATE: May 1, 2020

PROJECT NO. 11709.02

ATTENTION: Darrin Gage

PROJECT: Lifts Relocation

RE: Change Order #1

WE ARE SENDING YOU ☒ Attached  ☐ Under separate cover via hand the following items:

☐ Contract  ☐ Prints/Plans  ☐ Samples  ☐ Specifications  ☐ Pay Request

☐ Copy of Letter  ☒ Change Order

<table>
<thead>
<tr>
<th>COPIES</th>
<th>DATE</th>
<th>NO.</th>
<th>DESCRIPTION</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>1</td>
<td>Change Order #1</td>
</tr>
</tbody>
</table>

THESE ARE TRANSMITTED as checked below:

☒ For approval  ☐ No exceptions taken  ☐ Resubmit copies for approval

☒ For your use  ☐ Make corrections noted  ☐ Submit copies for distribution

☐ As requested  ☐ For review and comment  ☐ Return corrected prints

☐ Rejected see remarks  ☐ FOR BIDS DUE

REMARKS:

Please have the Board of Supervisors approve and sign. Return one electronic copy to my office for record and distribution.

If you have questions please contact my office.

COPY TO: Electronic File

SIGNED: Sarah Coleman, AIA Project Architect

OFFICE: Marion Office

If enclosures are not as noted, kindly notify us at once.
SEPTAGON
CONSTRUCTION

Prime Contract Change Order

Project: Linn County LIFTS Relocation
5815 4th Street SW
Cedar Rapids, IA 52404

Job No: 0520002 Contract Date: 2/26/2020 Change Order No: 001 Change Order Date: 4/3/2020

To Contractor:
Septagon Construction Co., Inc – Cedar Rapids
3500 J St SW
Cedar Rapids, IA 52404-4609

From Owner:
Linn County Board of Supervisors
5815 4th Street SW
Cedar Rapids, IA 52404

The Contract is hereby revised by the following items:
Removing floor demo.

PCO Description Amount
002 Flooring Demo -$1,610.00

The original Contract Value was ................................................................. $390,000.00
Sum of changes by prior Prime Contract Change Orders................................................ $0.00
The Contract Value prior to this Prime Contract Change Order was.............................. $390,000.00
The Contract Value will be changed by this Prime Contract Change Order in the amount of... -$1,610.00
The new Contract Value including this Prime Contract Change Order will be....................... $388,390.00
The Contract duration will be changed by......................................................... 0 days
The revised Substantial Completion date as of this Prime Contract Change Order is............. 6/30/2020

Martin Gardner Architecture

BY Sarah Coleman
ARCHITECT

Septagon Construction Co., Inc
– Cedar Rapids

BY Michael Russell
CONTRACTOR

Linn County Board of Supervisors

BY Ben Rogers
OWNER

BY

SIGNATURE

5.1.2020
DATE

SIGNATURE

04/30/20
DATE
### Linn County LiFTS Relocation
5815 4th Street SW
Cedar Rapids, IA 52404

### Project # 05-20-002

#### Septagon Construction Co., Inc – Cedar Rapids

<table>
<thead>
<tr>
<th>PCO #: 002</th>
<th>4/3/2020</th>
<th>Flooring Demo</th>
<th>Approved</th>
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</thead>
<tbody>
<tr>
<td>Category</td>
<td>Reason</td>
<td>Reference</td>
<td>COR Number</td>
</tr>
<tr>
<td>Change Order</td>
<td>Change Order Billable</td>
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<td>001</td>
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</table>

**Notes**
Existing floor to remain. Deduct price for not demoing floor. Owner to remove wax coating on existing flooring to accept new flooring.

**Summary:**

<table>
<thead>
<tr>
<th>Requested Days:</th>
<th>Approved Days:</th>
<th>Estimate</th>
<th>Proposed</th>
<th>Approved</th>
<th>Applied</th>
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</thead>
<tbody>
<tr>
<td>0</td>
<td>0</td>
<td>-1,610</td>
<td>-1,610</td>
<td>-1,610</td>
<td>-1,610</td>
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</table>

**Itemized Details:**

<table>
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<tr>
<th>General Description</th>
<th>Quote Due</th>
<th>Quote Rec'd</th>
<th>Allocation</th>
<th>Estimated</th>
<th>Proposed</th>
<th>Approved</th>
<th>Applied</th>
</tr>
</thead>
<tbody>
<tr>
<td>001 - 000 02-100 OL</td>
<td>4/10/2020</td>
<td></td>
<td>Budget: Appr Rev</td>
<td>-1,610</td>
<td>-1,610</td>
<td>-1,610</td>
<td>-1,610</td>
</tr>
<tr>
<td>Sitework, LABOR</td>
<td></td>
<td></td>
<td>Cost: Apprx Comm</td>
<td>-1,610</td>
<td>-1,610</td>
<td>-1,610</td>
<td>-1,610</td>
</tr>
</tbody>
</table>
TO: Linn County

DATE: May 1, 2020
PROJECT NO. 11709.02

ATTENTION: Darrin Gage
PROJECT: Lifts Relocation
RE: Change Order #2

WE ARE SENDING YOU
☒ Attached
☐ Under separate cover via hand the following items:
☐ Contract
☐ Prints/Plans
☐ Samples
☐ Specifications
☐ Pay Request
☐ Copy of Letter
☒ Change Order
☐

COPIES DATE NO. DESCRIPTION
1 2 Change Order #2

THESE ARE TRANSMITTED as checked below:
☒ For approval
☐ No exceptions taken
☐ Resubmit copies for approval
☒ For your use
☐ Make corrections noted
☐ Submit copies for distribution
☐ As requested
☐ For review and comment
☐ Return corrected prints
☐ Rejected see remarks
☐ FOR BIDS DUE

REMARKS:

Please have the Board of Supervisors approve and sign. Return one electronic copy to my office for record and distribution.

If you have questions please contact my office.

COPY TO: Electronic File

SIGNED: Sarah Coleman, AIA Project Architect

OFFICE: Marion Office

If enclosures are not as noted, kindly notify us at once.
Project: **Linn County LIFTS Relocation**
5815 4th Street SW
Cedar Rapids, IA 52404

<table>
<thead>
<tr>
<th>Job No: 0520002</th>
<th>Contract Date: 2/26/2020</th>
<th>Change Order No: 002</th>
<th>Change Order Date: 4/24/2020</th>
</tr>
</thead>
</table>

**To Contractor:**
Septagon Construction Co., Inc –Cedar Rapids
3500 J St SW
Cedar Rapids, IA 52404-4609

**From Owner:**
Linn County Board of Supervisors
5815 4th Street SW
Cedar Rapids, IA 52404

The Contract is hereby revised by the following items:
ITC #2, ITC #3, ITC #4, RFI #2

<table>
<thead>
<tr>
<th>PCO</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>004</td>
<td>Restroom Supply Duct</td>
<td>$1,150.00</td>
</tr>
<tr>
<td>005</td>
<td>Grind Foundation Wall</td>
<td>$2,800.00</td>
</tr>
<tr>
<td>006</td>
<td>Vestibule Flooring</td>
<td>-$155.00</td>
</tr>
<tr>
<td>007</td>
<td>Stoop Removal</td>
<td>$3,675.00</td>
</tr>
<tr>
<td>008</td>
<td>IT 204 Cabinets</td>
<td>-$561.00</td>
</tr>
</tbody>
</table>

The original Contract Value was.................................................................................................................................$390,000.00
Sum of changes by prior Prime Contract Change Orders....................................................................................................-$1,610.00
The Contract Value prior to this Prime Contract Change Order was.........................................................................................$388,390.00
The Contract Value will be changed by this Prime Contract Change Order in the amount of.................................................$6,909.00
The new Contract Value including this Prime Contract Change Order will be.................................................................$395,299.00
The Contract duration will be changed by.....................................................................................................................7 days
The revised Substantial Completion date as of this Prime Contract Change Order is......................................................7/7/2020

Martin Gardner Architecture  
BY [Signature] 5.1.2020

Septagon Construction Co., Inc –Cedar Rapids  
BY [Signature] 5/1/20

Linn County Board of Supervisors  
BY [Signature] 5/1/20
### Restroom Supply Duct

**PCO #: 004  4/24/2020**

<table>
<thead>
<tr>
<th>Category</th>
<th>Reason</th>
<th>Reference</th>
<th>COR Number</th>
<th>PCCO Number</th>
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<tbody>
<tr>
<td>Change Order</td>
<td>Change Order Billable</td>
<td></td>
<td></td>
<td>002</td>
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**Notes**

From each exhaust fan (EF-7 and EF-8) 4” diameter discharge, transition to 6” diameter branch galvanized duct and route to 8” diameter galvanized main in Hallway 114 and route through Training 124 and to 8” wall cap as suggested. Insulate 8” diameter duct with fiberglass wrap, up to 10’ from wall. No flexible ductwork is to be used.

**Summary:**

<table>
<thead>
<tr>
<th>Requested Days:</th>
<th>Budget:</th>
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<tr>
<td>Approved Days:</td>
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**Itemized Details:**

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<th>Quote Rec’d</th>
<th>Allocation</th>
<th>Estimated</th>
<th>Proposed</th>
<th>Approved</th>
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Grind down foundation wall at overhead door thresholds for door access.

**Summary:**

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### Potential Change Orders

**Linn County LIFTS Relocation**

5815 4th Street SW  
Cedar Rapids, IA 52404

**Project # 05-20-002**

**Septagon Construction Co., Inc –Cedar Rapids**

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**PCO #: 006**  
**4/24/2020**  
**Vestibule Flooring**  
Pending

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**Notes**

Reuse ceramic tile wall base at new door installation to infill at removed door. Eliminate new VCT and vinyl base in the vestibule.

**Summary:**

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**Notes**
Remove existing frost protected stoop at man door. Removed for the installation of overhead door 118E.

**Summary:**

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### Potential Change Orders

**Category:** Change Order  
**Reason:** Change Order Billable  
**Reference:**  
**COR Number:** 002  
**PCCO Number:**  

**Notes:** 
Leave existing cabinetry and sink in the IT room on the second floor.

**Summary:**

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