

BOARD OF SUPERVISORSDistrict 1 | **Stacey Walker**District 2 | **Ben Rogers**District 3 | **Louis J. Zumbach****JEAN OXLEY LINN COUNTY PUBLIC SERVICE CENTER**

935 2ND ST. SW

CEDAR RAPIDS, IA 52404

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LinnCountyIowa.gov

**LINN COUNTY BOARD OF SUPERVISORS
MEETING AGENDA**

Monday, December 12, 2022

11 a.m.

Formal Board Room—Jean Oxley Public Service Center
935 2nd St. SW, Cedar Rapids, IA**Call to Order****Public Comment: Five Minute Limit per Speaker**

This comment period is for the public to address topics on today's agenda.

Minutes--Discuss and decide on meeting minutes.

Public Hearing and first consideration on an ordinance amending the Code of Ordinances, Linn County, Iowa, by amending provisions in Chapter 107, Unified Development Code by establishing setbacks for the placement of hazardous materials pipelines.

Public Comment: Five Minute Limit per Speaker

This is an opportunity for the public to address the board on any subject pertaining to board business.

Payroll Authorizations--Discuss and decide on Employment Change Roster (payroll authorizations).**Claims--**Discuss and decide on claims.**Correspondence****Appointments****1:30
Formal Board Room**

Review of proposed Fiscal Year 2024 budget for the Attorney

Review of proposed Fiscal Year 2024 budget for Board of Supervisors

Other budget discussions if necessary.

**5:30
Formal Board Room**

Public hearing to establish a Secondary Road Assessment District to improve Sutton Road and Buffalo Drive with tree clearing, guardrail repair, sign replacements, 1.5" rock overlay, double seal coat with a single seal coat in 5 years at a cost of \$175,546.00. The assessment district includes Sutton Road and Buffalo Drive in Sections 19, 20, 30, & 29 T86 R6.

Adjournment

For questions about meeting accessibility or to request accommodations to attend or to participate in a meeting due to a disability, please contact the Board of Supervisors office at 319-892-5000 or at bd-supervisors@linncountyiowa.gov.

Prepared by Jessie Black
Linn County Planning & Development
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Return to Becky Shoop, Auditor's Office

ORDINANCE NO. – – 2022

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, LINN COUNTY, IOWA BY ADDING THERETO A NEW SUBSECTION IN CHAPTER 107, ARTICLE VI SECTION 107-117 PERTAINING TO HAZARDOUS MATERIALS PIPELINES; ADDING A HAZARDOUS MATERIALS PIPELINE USE TYPE TO THE ZONING CLASSIFICATIONS ALLOWED USES IN CHAPTER 107, ARTICLE VII, TABLE 107-147-1; AND ADDING DEFINITIONS FOR HAZARDOUS MATERIALS AND PIPELINE IN CHAPTER 107, ARTICLE IX, SECTION 107-180

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

SECTION 1. SUBSECTION ADDED. Chapter 107 – UNIFIED DEVELOPMENT CODE, of The Code of Ordinances, Linn County, Iowa, is amended by adding thereto new subsections in Article VI, SPECIFIC DEVELOPMENT STANDARDS, Section 107-117, Standards for transportation and utility uses, hereby created to read as follows:

- (i) *Reserved.*
- (j) *Utilities, hazardous materials pipelines.* Proposed private hazardous materials pipelines shall meet the following standards:
 - (1) *Setbacks.* The setbacks listed in table 107-117-1 below shall apply to all new private hazardous materials pipelines.

Table 107-117-1 Setback Requirements for Private Hazardous Materials Pipelines

Hazardous Materials Pipeline Type and Use Type	Required Setback*
Liquid	
Places of Public Assembly**	As established in federal regulations (49 CFR § 195), no pipeline may be located within 50 feet (15 meters) of any private dwelling, or any industrial building or place of public assembly in which persons work, congregate, or assemble, unless it is provided with at least 12 inches (305 millimeters) of cover in addition to that prescribed in 49 CFR § 195.248.
Dwellings	As established in 49 CFR § 195, no pipeline may be located within 50 feet (15 meters) of any private dwelling, or any industrial building or place of public assembly in which persons work, congregate, or assemble, unless it is provided with at least 12 inches (305 millimeters) of cover in addition to that prescribed in 49 CFR § 195.248
Carbon Dioxide, Dense or Supercritical Phase***	
Places of Public Assembly**	The circle formed around the center point of a pipeline, the radius of which is $r = (155.80 \times d) + 738.19$ where r is the radius in feet, and d is the nominal diameter of the pipeline in inches. For example, a 6-inch pipeline would require a setback of 1,673 feet.
Dwellings	The circle formed around the center point of a pipeline, the radius of which is $r = (107.65 \times d) + 328.08$ where r is the radius in feet, and d is the nominal diameter of the pipeline in inches. For example, a 6-inch pipeline would require a setback of 974 feet. Setbacks from dwellings may be waived by the owner of the dwelling. If setbacks are waived, the pipeline operator shall provide proof of this waiver in writing. Projects that have received approval from the Iowa Utilities Board shall have their required setback reduced to 300 feet provided the pipeline operator addresses why this setback reduction is necessary in their petition to the Iowa Utilities Board.

* The setback shall be the distance identified under the setback column in Table 107-117-1 measured from the pipeline to the closest point of the building, depending on the identified use type. Unless the setback is from a future growth area, in which case the setback shall be measured from the property line.

** As referenced in Table 107-117-1, Places of Public Assembly are areas where evacuation of occupants may present difficulties, including, but not limited to, retirement and nursing homes, family homes, schools, childcare homes and centers, group homes, hospitals, detention facilities, or human service facilities; outdoor places of public assembly, including, but not limited to, campgrounds, day camps, cemeteries, stables, amphitheaters, shooting ranges, golf courses, stadiums, and parks that may be occupied by 20 or more persons at least 50 days per year; and indoor places of public assembly including, but not limited to stores, workplaces, houses of worship, and auditoriums that may be occupied by 20 or more persons five days per week.

***Supercritical or dense phase carbon dioxide is that which is held above its critical pressure and temperature in a fluid state.

- (2) *Avoidance of future growth areas.* The setbacks listed in table 107-117-1 for places of public assembly shall apply to identified future growth areas for cities within Linn County. Identified future growth areas include any land identified as Metro Urban Service Area or Non-Metro Urban Service Area on the Linn County Rural Land Use Map. Identified expansion areas also include residential or commercial future land use designations contained within any adopted Fringe Area Plan. These setbacks may be waived by the applicable city. If setbacks are waived, the pipeline operator shall provide proof of this waiver in writing.
- (3) *Minimum cover required.* Minimum cover requirements, as established by federal regulations (49 CFR § 192.327 and § 195.248) shall be met. Where federal law does not define a minimum depth of cover and land is in agricultural production, a minimum depth of 36 inches or greater shall be maintained. A greater depth shall be required when determined necessary to withstand external loads anticipated from deep tillage of 18 inches, as required by Iowa Administrative Code Chapter 9.5(6), Restoration of Agricultural Lands During and After Pipeline Construction.
- (4) *Critical Natural Resource District Protections.* Pipeline applications in the CNR (Critical Natural Resource) zoning district must meet the general performance standards outlined in article VII, section 107-142 § (i) of this chapter, which are designed to protect delineated critical natural resources. An application for a pipeline shall demonstrate why rerouting around a Critical Natural Resource district is unavoidable, if proposed.
- (5) *Development within the floodplain.* All pipelines shall meet both state and local floodplain regulations.
- (6) *Iowa Utilities Board Approval Required.* All pipelines shall have received written approval from the Iowa Utilities Board in accordance with Iowa Code chapter 479B before applying for zoning verification.

SECTION 2. SECTION MODIFIED. Chapter 107, Article VII, Section 107-147 Use Table, Table 107-147-1, is hereby amended by adding thereto a new use type, hereby created to read as follows:

Transportation and Utility Uses		STD	AG	RR 1/2/3	VR	VM	USR	USR- MF	HC	GC	I	CNR	MH
Utilities	<u>Hazardous Materials Pipeline</u>	<u>107-117(j)</u>	P	P	P	P	P	P	P	P	P	P	P

SECTION 3. SECTION ADDED. Chapter 107, Article IX, Section 107-180 of The Code of Ordinances, Linn County, Iowa, is hereby amended by adding thereto new definitions, hereby created to read as follows:

Hazardous materials means those materials listed on the Hazardous Materials Table in 49 Code of Federal Regulations (CFR) § 172.101.

Pipeline means all parts of those physical facilities through which a gas or liquid moves in transportation, including pipe, valves, and other appurtenance attached to pipe, compressor units, metering stations, regulator stations, delivery stations, holders, and fabricated assemblies.

SECTION 4. REPEALER. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5. SEVERABILITY. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 6. SAVING. The Code of Ordinances, Linn County, Iowa, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 7. EFFECTIVE DATE. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

LINN COUNTY BOARD OF SUPERVISORS

Ben Rogers, Chair

Louis J. Zumbach, Vice Chair

Stacey Walker, Supervisor

ATTEST:

Joel Miller, County Auditor

I, Linn County Auditor, hereby certify that the above and foregoing is a true copy of an ordinance passed by the Linn County Board of Supervisors.

Joel Miller, County Auditor

State of Iowa
County of Linn

This instrument was acknowledged before me on the _____ day of December 2022, by Joel Miller as Linn County Auditor.

Notary Public, State of Iowa

Public hearing on the 12th day of December 2022.

First consideration on the 12th day of December 2022.

Second consideration on the 14th day of December 2022.

Third consideration and final passage on the 21st day of December 2022.

Published in *The Gazette* on the _____ day of December 2022.