

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

PH: 319-892-5000 | FAX: 319-892-5009

LinnCounty.org

**LINN COUNTY BOARD OF SUPERVISORS
MEETING AGENDA**

Wednesday, August 4, 2021

11 a.m.

Conference Room 234A/B—Dr. Percy and Lileah Harris Building
1020 6th Street SE, Cedar Rapids, IA**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.

Reports**Resolutions**

Resolution authorizing conveyance to Tom A. and Kimberly J. Sindelar of Linn County, Iowa's interest of vacated right-of-way along a portion of Boy Scouts Road in section 17 described as Parcel A, Plat of Survey No. 2548.

Resolution authorizing Chair to sign Quit Claim Deed conveying Linn County, Iowa's interest to Tom A. and Kimberly J. Sindelar of the vacated right-of-way along a portion of Boy Scouts Road in section 17 described as Parcel A, Plat of Survey No. 2548.

Resolution to approve Residential Parcel Split for Baumann Acres First Addition, Case JPS21-0011

Resolution to approve a Final Plat for Foley Group Farms Addition, case JF21-0009.

Resolution to approve a Residential Parcel Split for Rinken Acres First Addition, case JPS21-0006

Resolution to approve a final plat for Witches' Second Addition, case JF21-0010.

Resolution designating Linn County's Official County Newspapers

Contract and Agreements

Approve and authorize Chair to sign a Quit Claim Deed to Tom A. and Kimberly J. Sindelar of Linn County, Iowa's interest of vacated right-of-way along a portion of Boy Scouts Road in section 17 described as Parcel A, Plat of Survey No. 2548.

Approve and authorize Chair to sign the amended contract between Options of Linn County -Linn County Community Services and MH/DS of the East Central Region for the period of July 1st, 2021 to June 30, 2022 for amended rates.

Award AgVantage FS contract for an estimated 30,000 gallons of LP gas to be delivered to the various Secondary Road Department locations in the amount of \$37,500.00.

Approve and authorize Chair to sign a Memorandum of Agreement between the Conservation Board and the Board of Supervisors

Licenses & Permits

Approve Five Day Beer Permit for West Linn Community Group, 1010 1st St. & 812 Iowa Ave., Palo, for the Big Town Showdown Truck and Tractor Pull on Aug. 21, 2021, noting all conditions have been met.

Regular Agenda

Discuss and Decide on Consent Agenda

Minutes

Discuss and decide on meeting minutes.

Claims

Discuss and decide on claims.

Covid 19 update by Public Health.

Final hearing and adopt resolution on the apportionment of the assessment of the cost of the secondary road assessment district for improvements to Wayside Circle.

Second Consideration on an ordinance amending the Code of Ordinances, Linn County, Iowa by amending provisions in Chapter 107, Unified Development Code. Staff is proposing several text amendments to the UDC. The Iowa Department of Natural Resources has provided suggested updates to the Floodplain Overlay District regulations that will help ensure that the county continues to comply with the minimum requirements of the National Flood Insurance Program (NFIP).

Second consideration for rezoning case JR21-0007, request to rezone property located in the 400 Block of Wilder Dr, 19-83-06, from the AG (Agricultural) zoning district to the RR2 (Rural Residential 2-Acre) zoning district, approximately 35.0 acres, STACO Corporation, owners.

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.

Board Member Reports

Correspondence

Appointments

Adjournment

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

Prepared By & Return To: Linn County Secondary Road Dept., 1888 County Home Rd, Marion, IA 52302 (319) 892-6400

RESOLUTION # _____

AUTHORIZE CONVEYANCE OF VACATED RIGHT-OF-WAY

WHEREAS, the Board of Supervisors, Linn County, Iowa, is empowered under §331.361, Code of Iowa, to dispose of the interest of Linn County, in real property, and,

WHEREAS, the Board of Supervisors, Linn County, Iowa, has vacated the portions of right-of-way described as:

LEGAL DESCRIPTION

Part of the Northeast quarter of the Southwest quarter, Section 17, Township 85 North, Range 5 West of the Fifth Principal Meridian, Linn County, Iowa, and more particularly described as follows:

Quit claim all of Parcel A, Plat of Survey No. 2548.

Said area contains 0.26 acres more or less, subject to easement and restrictions of record.

and,

WHEREAS, Tom A. and Kimberly J. Sindelar, owner of real property adjacent to the above described parcel of vacated right-of-way desire to obtain whatever interest Linn County, Iowa may have in the above described parcel of vacated right-of-way, and

WHEREAS, the Board of Supervisors, Linn County, Iowa, has pursuant to §331.361, Code of Iowa, conducted a public hearing upon the proposal to convey by quit claim deed whatever interest Linn County, Iowa, may have in the above described parcel of vacated right-of-way.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Board of Supervisors, Linn County, Iowa, this date met in lawful session that whatever interest Linn County, Iowa, may have in the above described parcel of vacated right-of-way shall be conveyed to Tom A. and Kimberly J. Sindelar, owner of real property adjacent to the above described vacated right-of-way, by quit claim deed.

BE IT FURTHER RESOLVED that the Chairperson of the Board of Supervisors, Linn County, Iowa, hereby authorize to execute said quit claim deed conveying whatever interest Linn County, Iowa, may have in the above described parcel of vacated right-of-way to Tom A. and Kimberly J. Sindelar.

Dated at Cedar Rapids, Linn County, Iowa, this ____ day of _____, 20 ____.

BOARD OF SUPERVISORS
LINN COUNTY, IOWA

Chairperson

Vice Chairperson

Supervisor

ATTEST:

Linn County Auditor

STATE OF IOWA)
COUNTY OF LINN)SS

I, _____, County Auditor of Linn County, Iowa, Linn County, Iowa, hereby certify that at a regular meeting of the said Board, the foregoing resolution was duly adopted by a vote of ____ aye, ____ nay and ____ abstained from voting.

Linn County Auditor

Subscribed and sworn to before me by the aforesaid on this ____ day of _____, 20____.

Notary Public, State of Iowa

Prepared By & Return To: Linn County Secondary Road Dept., 1888 County Home Rd, Marion, IA 52302 (319) 892-6400

RESOLUTION # _____

APPROVE QUIT CLAIM DEED

WHEREAS, there is presented to the Board of Supervisors, Linn County, Iowa, for its approval, a quit claim deed executed and acknowledged by Stacey Walker, Chairperson of the Board of Supervisors, Linn County, Iowa, and Joel D. Miller, County Auditor of Linn County, Iowa, conveying the interests of Linn County, Iowa, to Tom A. and Kimberly J. Sindelar, and

WHEREAS, said deed conveys the following real estate described as follows:

LEGAL DESCRIPTION

Part of the Northeast quarter of the Southwest quarter, Section 17, Township 85 North, Range 5 West of the Fifth Principal Meridian, Linn County, Iowa, and more particularly described as follows:

Quit claim all of Parcel A, Plat of Survey No. 2548.

Said area contains 0.26 acres more or less, subject to easement and restrictions of record.
and

WHEREAS, said deed was executed by Stacey Walker, Chairperson of the Board of Supervisors, Linn County, Iowa, and Joel D. Miller, County Auditor of Linn County, Iowa, pursuant to resolution _____ adopted by the Board of Supervisors, Linn County, Iowa, on the _____ day of _____, 20____.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Board of Supervisors, Linn County, Iowa, this date met in lawful session, that the above described quit claim deed, dated the ____ day of _____, 20____, conveying whatever interest Linn County, Iowa, may have, to Tom A. and Kimberly J. Sindelar, be and the same is hereby approved.

Resolved this _____ day of _____, 20____, at Cedar Rapids, Iowa.

BOARD OF SUPERVISORS
LINN COUNTY, IOWA

Chairperson

Vice Chairperson

Supervisor

ATTEST:

Linn County Auditor

STATE OF IOWA)
COUNTY OF LINN)SS

I, _____, County Auditor of Linn County, Iowa, Linn County, Iowa, hereby certify that at a regular meeting of the said Board, the foregoing resolution was duly adopted by a vote of ____ aye, ____ nay and ____ abstained from voting.

Linn County Auditor

Subscribed and sworn to before me by the aforesaid on this ____ day of _____, 20____.

Notary Public, State of Iowa

LINN COUNTY BOARD OF SUPERVISORS

RESOLUTION # _____

APPROVING RESIDENTIAL PARCEL SPLIT

WHEREAS, a Residential Parcel Split of BAUMANN ACRES FIRST ADDITION (Case # JPS21-0011) to Linn County, Iowa, containing two (2) lots, numbered lot 1 and lettered lot A has been filed for approval, a subdivision of real estate located in the NE SW of Section 21, Township 86 North, Range 05 West of the 5th P.M., Linn County, Iowa, described as follows:

Beginning at the SE Corner of said NE $\frac{1}{4}$ SW $\frac{1}{4}$ 34; thence S88°38'48"W along the south line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$, 1328.58 feet to the SW Corner of said NE $\frac{1}{4}$ SW $\frac{1}{4}$; thence S88°38'43"W along the south line of said NW $\frac{1}{4}$ NE $\frac{1}{4}$, 833.42 feet; thence N23°32'40"E, 281.62 feet; thence N00°34'59"W, 16.12 feet; thence N75°05'13"E, 1034.04 feet; thence N85°13'58"E, 406.72 feet; thence N17°08'20"E, 452.67 feet; thence N00°57'05"W, 358.76 feet to the north line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$; thence N88°49'15"E along said north line, 479.00 feet to the NE Corner of said NE $\frac{1}{4}$ SW $\frac{1}{4}$; thence S01°39'09"E along the east line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$, 1324.80 feet to the Point of Beginning, containing 31.54 acres which includes 1.22 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 May 19, 2021 as last amended on JUNE 21, 2021 have been addressed:

LINN COUNTY SECONDARY ROAD DEPARTMENT, 892-6400

1. Entrance permit required for new entrances and existing unpermitted entrances, County Standard Specifications, Section 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. Lot 1 is allowed two entrances at the south end of the property near the farmstead, one entrance between the two waterway channels, and one shared entrance on the north property line with the adjacent property.
2. Dedication of road rights-of-way, County Standard Specifications, Section 5. Forty feet of right-of-way on Wagner Road adjacent to development shall be dedicated to the County for road purposes.
3. Road agreement with conditions applicable to residential parcel split cases. County Standard Specifications, Section 1.

IOWA DEPARTMENT OF TRANSPORTATION

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

LINN COUNTY PUBLIC HEALTH DEPARTMENT

1. Existing sewage disposal system must have one of the following completed: If the property ownership is being transferred and does not qualify for one of the DNR exemptions, a Time of Transfer inspection must be performed by a certified septic contractor. The report must be submitted to this department. If the property is not transferring ownership, the septic must be reviewed by Linn County Public Health for compliance with Linn County Code of Ordinances Chapter 10, Article VI Private Sewage Disposal Systems.

2. Existing house must be reviewed by Linn County Public Health for compliance with Linn County Code of Ordinances Chapter 105, Article VI Property Maintenance Regulations. If applicable, correction of certain deficiencies may require permits, inspections and final approval from the Building Division of Linn County Planning & Development.

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. Clarify plans to address potential wetland area with NRCS.
3. The presence of wet soils indicates a need for subsurface drainage, existing drains need to be shown on site plan or arrange for new subsurface drainage is needed. Parcel changes that segment existing drainage tile resulting in a shared subsurface drain tile system must have an agreement in place for operation and maintenance of said system.

LINN COUNTY CONSERVATION DEPARTMENT

1. No conditions to be met.

LINN COUNTY EMERGENCY MANAGEMENT

1. No conditions to be met.

LINN COUNTY PLANNING AND DEVELOPMENT – ZONING DIVISION

1. All side and rear yard setbacks must be met for all structures involved in this proposal.
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 Prairieburg. 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 remaining land of the parent parcels will result in two parcels of less than 35 acres. Either combine the remaining land to an adjacent parcel by deed restriction to total 35 acres or more, or include the remaining land as part of the final plat. If included as a part of the final plat, the lot will be non-buildable until brought into conformance with the Linn County UDC and will require the note: "This parcel may only be developed in accordance with all development regulations in effect at the time development is proposed" on the plat.
7. 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.
8. 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

Linn County Board of Supervisors

Resolution # _____

JPS21-0011

August 4, 2021

Page 3 of 4

- (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 Unified Development Code.
 - (x) Restrictive covenants or deed restrictions, as separate instruments, not combined with any other instrument
 - (xi) Twelve original signed plat drawings
 - (xii) A covenant for a secondary road assessment
9. Final plat bound copies must be approved by the Linn County Board of Supervisors on or before **JUNE 21, 2022** 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 Unified Development Code.

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 by **August 4, 2022** to be valid.

Passed and approved this 4th day of AUGUST, 2021.

Linn County Board of Supervisors

Chair

Vice Chair

Supervisor

Aye:

Nay:

Linn County Board of Supervisors

Resolution # _____

JPS21-0011

August 4, 2021

Page 4 of 4

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 _____, 2021.

Notary Public State of Iowa

LINN COUNTY BOARD OF SUPERVISORS

RESOLUTION # _____

APPROVING A FINAL PLAT

WHEREAS, a final plat of Foley Group Farms Addition (Case #JF21-0009) to Linn County, Iowa, containing six (6) lots, numbered Lot 1, lettered Lot A and Lot B, Outlot A, Outlot B, and Outlot C, has been filed for approval, a subdivision of real estate located in the SESE of Section 33, Township 86 North, Range 5 West of the 5th P.M., Linn County, Iowa, described as follows:

Beginning at the East Quarter Corner of Section 33, Township 86 North, Range 5 West of the Fifth Principal Meridian; thence S1 °20'02"E along the east line of the Southeast Quarter of said Section 33, a distance of 1096.05 feet; thence S88°39'58"W along the north boundary of Baker's First Addition to Linn County, Iowa, 63.24 feet; thence N58°02'06"W along said north boundary, 580.84 feet to the Northwest Corner of said Baker's First Addition; thence S1 °22'08"E, 393.77 feet to the Southwest Corner of said Baker's First Addition; thence S57°34'41 "E along the southerly boundary of said Baker's First Addition, 587 .52 feet; thence N88°39'58"E along said southerly boundary, 60.00 feet to said east line of the Southeast Quarter; thence S1 °20'02"E along said east line, 488.25 feet; thence S88°29'01 'W along the north line of the South Quarter of said Southeast Quarter, 2641.07 feet; thence N 1 °06'56"W along the west line of said Southeast Quarter, 1983.57 feet to the Center of Section; thence N88°26'15"E, 2633.52 feet to the point of beginning.

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 April 21, 2021 as last amended on May 17, 2021 have been addressed:

LINN COUNTY SECONDARY ROAD DEPARTMENT

1. Entrance permit required for new entrances and existing unpermitted entrances, 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. Lot 1 shall be limited to one shared access between Lot 1 and Outlot B and one access between Outlot A and Outlot C. Outlot A shall be limited to one access at the north end of the outlot. Outlot B shall be limited to one shared access between Lot 1 and Outlot B. Outlot C shall be accessed from the property directly to the south. A shared access easement to Outlot C from Lot 1 shall be provided if the sale of Outlot C is not completed as planned to the adjacent property owner.
2. Dedication of road right-of-way, County Standard Specifications, Section 5. Sixty feet of right-of-way on Prairieburg 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.

IOWA DEPARTMENT OF TRANSPORTATION

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

LINN COUNTY PUBLIC HEALTH DEPARTMENT

No conditions to be met.

NATURAL RESOURCES CONSERVATION SERVICE

1. Clarify plans to address potential wetland area with NRCS.

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. Various revisions to the site plan and final plat.
2. 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.
3. This plat lies within the 2-mile jurisdiction of the City of Prairieburg. 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.
4. Approval of utility and drainage easements by the appropriate companies with all easements marked on the final plat bound copies.
5. 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.
6. The final plat bound documents must be approved by the Linn County Board of Supervisors on or before **MAY 17, 2022** 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.
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
 - i. 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.
 - ii. Restrictive covenants or deed restrictions, as separate instruments, not combined with any other instrument
 - iii. Three (3) copies of the surveyor's drawing
 - iv. A covenant for a secondary road assessment

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 by August 4, 2022 to be valid.

Passed and approved this 4th day of August, 2021

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 _____, 2021.

Notary Public State of Iowa

LINN COUNTY BOARD OF SUPERVISORS

RESOLUTION # _____

APPROVING A RESIDENTIAL PARCEL SPLIT

WHEREAS, a Residential Parcel Split of Rinken Acres First Addition (Case # JPS21-0006) to Linn County, Iowa, containing three (3) lots, numbered lot 1, lettered lot A and outlot A, has been filed for approval, a subdivision of real estate located in the SE NW of Section 8, Township 84 North, Range 8 West of the 5th P.M., Linn County, Iowa, described as follows:

Commencing as a point of reference at the W $\frac{1}{4}$ Corner of said Section 8; thence N88°58'21 "E along the south line of the SW FRL $\frac{1}{4}$ NW FRL $\frac{1}{4}$ of said Section 8, 1646.56 feet to the Point of Beginning; thence N01 °38'30"W along the west line of said SE $\frac{1}{4}$ NW FRL $\frac{1}{4}$, 1330.55 feet; thence N88°53'53"E along the north line of said SE $\frac{1}{4}$ NW FRL $\frac{1}{4}$, 1328.25 feet; thence S01 °45'49"E along the east line of said SE $\frac{1}{4}$ NW FRL $\frac{1}{4}$, 1332.31 feet; thence S88°58'21 "W along the south line of said SE $\frac{1}{4}$ NW FRL $\frac{1}{4}$, 1331.10 feet to the Point of Beginning, containing 40.64 acres which includes 1.22 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 March 17, 2021 as last amended on April 19, 2021 have been addressed:

LINN COUNTY SECONDARY ROAD DEPARTMENT

1. Entrance permit required for new entrances and existing unpermitted entrances, 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. Lot 1 and Outlot A are each allowed one access and a second with justification.
2. Dedication of road right-of-way, County Standard Specifications, Section 5. Forty feet of right-of-way on Strawn Road adjacent to development shall be dedicated to the County for road purposes.
3. Road agreement with conditions applicable to residential parcel split cases. County Standard Specifications, Section 1.

IOWA DEPARTMENT OF TRANSPORTATION

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

LINN COUNTY PUBLIC HEALTH DEPARTMENT

1. Existing sewage disposal system must have one of the following completed: If the property ownership is being transferred and does not qualify for one of the DNR exemptions, a Time of Transfer inspection must be performed by a certified septic contractor. The report must be submitted to this department. If the property is not transferring ownership, the septic must be reviewed by Linn County Public Health for compliance with Linn County Code of Ordinances Chapter 10, Article VI Private Sewage Disposal Systems.
2. Existing house must be reviewed by Linn County Public Health for compliance with Linn County Code of Ordinances Chapter 105, Article VI Property Maintenance Regulations. If applicable, correction of certain deficiencies may require permits, inspections and final approval from the Building Division of Linn County Planning & Development.

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. Clarify plans to address potential wetland area with NRCS.

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. All side and rear yard setbacks must be met for all structures involved in this proposal.
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 Palo and as per the 28E Agreement between the City and the County, will require City approval or a waiver of the right to review.
5. Approval of utility and drainage easements by the appropriate companies with all easements marked on the final plat bound copies.
6. The remaining land of the parent parcel will result in a parcel of less than 35 acres. Either combine the remaining land to an adjacent parcel by deed restriction to total 35 acres or more, or include the remaining land as part of the final plat. If included as a part of the final plat, the lot will be non-buildable until brought into conformance with the Linn County UDC and will require the note: "This parcel may only be developed in accordance with all development regulations in effect at the time development is proposed" on the plat.
7. 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.
8. 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 Unified Development Code.

- (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
9. Final plat bound copies must be approved by the Linn County Board of Supervisors on or before **APRIL 19, 2022** 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 Unified Development Code.

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 by August 4, 2022 be valid.

Passed and approved this 4th day of August, 2021

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 _____, 2021.

Notary Public State of Iowa

LINN COUNTY BOARD OF SUPERVISORS

RESOLUTION # _____

APPROVING A FINAL PLAT

WHEREAS, a final plat of Witches' Second Addition (Case #JF21-0010) to Linn County, Iowa, containing one (1) lot, numbered Lot 1, has been filed for approval, a subdivision of real estate located in the NWNE of Section 21, Township 83 North, Range 6 West of the 5th P.M., Linn County, Iowa, described as follows:

Lot 1, Witches' First Addition to Linn County, Iowa

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 May 19, 2021 as last amended on June 21, 2021 have been addressed:

LINN COUNTY SECONDARY ROAD DEPARTMENT

1. Entrance permit required for new entrances and existing unpermitted entrances, 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. Lot 1 is allowed one entrance. An additional access may be allowed with justification and permit.
2. Dedication of road right-of-way, County Standard Specifications, Section 5. A minimum of forty feet of right-of-way on Cottage Grove Parkway 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.

IOWA DEPARTMENT OF TRANSPORTATION

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

LINN COUNTY PUBLIC HEALTH DEPARTMENT

No conditions to be met.

NATURAL RESOURCES CONSERVATION SERVICE

No conditions to be met.

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

3. This plat lies within the 2-mile jurisdiction of the City of Bertram & City of Cedar Rapids and as per the 28E Agreement between the City and the County, will require City approval or a waiver of the right to review.
4. Approval of utility and drainage easements by the appropriate companies with all easements marked on the final plat bound copies.
5. 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.
6. The final plat bound documents must be approved by the Linn County Board of Supervisors on or before **JUNE 21, 2022** 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.
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
 - i. 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.
 - ii. Restrictive covenants or deed restrictions, as separate instruments, not combined with any other instrument
 - iii. Twelve original signed plat drawings
 - iv. A covenant for a secondary road assessment

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 by **August 4, 2022** to be valid.

Passed and approved this 4th day of August, 2021

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)

Linn County Board of Supervisors
August 4, 2021
Resolution # _____
JF21-0010
Page 4 of 4

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 _____, 2021.

Notary Public State of Iowa

Prepared by Linn County Secondary Road Dept., 1888 County Home Road, Marion, IA 52302 (319) 892-6400
Send tax statement to Tom A. and Kimberly J. Sindelar, 4292 Boy Scouts Road, Central City, IA 52214

QUIT CLAIM DEED

KNOW ALL PERSONS BY THESE PRESENTS:

That Linn County, Iowa (Grantor) in consideration of the sum of one dollar and other valuable consideration does hereby quitclaim unto Tom A. and Kimberly J. Sindelar all of the County's right, title, interest, estate, claim and demand in the following described real estate situated in Linn County, Iowa, to-wit:

Part of the Northeast quarter of the Southwest quarter, Section 17, Township 85 North, Range 5 West of the Fifth Principal Meridian, Linn County, Iowa, and more particularly described as follows:

Quit claim all of Parcel A, Plat of Survey No. 2548.

Said area contains 0.26 acres more or less, subject to easement and restrictions of record.

This transfer is an exempt transaction by a governmental subdivision as transferor pursuant to Iowa Code §428A.2(6).

Signed this 4th day of August, 2021.

LINN COUNTY, IOWA

BY:

Stacey Walker, Chairperson
Linn County Board of Supervisors

Joel D. Miller
Linn County Auditor

STATE OF IOWA)
) ss:
COUNTY OF LINN)

On this 4th day of August, 2021, before me _____, a Notary Public in and for the State of Iowa, personally appeared Stacey Walker and Joel D. Miller, to me personally known, and who, being by me duly sworn, did say that they are the Chairperson of the Board of Supervisors and the County Auditor, respectively, of the County of Linn, Iowa; that the instrument was signed on behalf of the corporation, by authority of its Board of Supervisors, as contained in resolution number _____ adopted by the Board of Supervisors on the 4th day of August, 2021, and Stacey Walker and Joel D. Miller acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

NOTARY PUBLIC
STATE OF IOWA

MH/DS of the East Central Region

Member Counties: Benton, Bremer, Buchanan, Delaware, Dubuque, Iowa, Johnson, Jones, Linn

Provider Contract

Service and Rate Attachment – FY2022

Provider:

Options of Linn County

ECR/CSN# 3317

1240 26th Avenue Court SW

Cedar Rapids, IA 52404

Effective July 1, 2021 – June 30, 2022

Chart of Accounts	Procedure Code	Service	Approved FY 2021 Unit Rate	Unit of Service	Approved FY 2022 Unit Rate
50367	T2020 U1	Day hab, daily ECR (T2020 U1) ID	\$67.81	Daily	\$70.22
50367	T2020 U2	Day hab, daily ECR (T2020 U2) ID	\$71.15	Daily	\$73.68
50367	T2020 U3	Day hab, daily ECR (T2020 U3) ID	\$81.03	Daily	\$83.91
50367	T2020 U4	Day hab, daily ECR (T2020 U4) ID	\$82.18	Daily	\$85.10
50367	T2020 U5	Day hab, daily ECR (T2020 U5) ID	\$95.70	Daily	\$99.10
50367	T2020 U6	Day hab, daily ECR (T2020 U6) ID	\$117.03	Daily	\$121.18
50367	T2021	Day hab, 15 min	\$4.41	15 MIN	\$4.57

1. Per the Iowa Health Link program transition; please indicate by a check-mark which **Managed Care Organization (MCO)** you have contracted with for reimbursement through Iowa Medicaid fee-for-service:

 Amerigroup Iowa, Inc. Iowa Total Care

2. ECR's MH/DS fund will not be used to subsidize the cost of services provided to recipients of non-provider enrolled and contracted MCOs. ECR will not underwrite Medicaid, Medicare, or pay deductibles assigned by any third party payer.

The MH/DS services and rates identified in this contract document are approved by the MH/DS of the East Central Region Governing Board for the Fiscal Year beginning July 1, 2021 and ending June 30, 2022.

Linn County Board of Supervisors, Options of Linn County

Date

Dr. Ann Cameron Williams, Ph.D., ECR Coordinator

Date

LINN COUNTY 2021 LP BID RESULTS

COMPANY	DELIVERED PRICE	NON-DELIVERED PRICE	*Est \$
AgVantage FS	\$1.250	\$1.25	\$62,500.00
Linn Cooperative	\$1.300	N/A	\$65,000.00
Consolidated Energy	\$1.449	\$1.45	\$72,450.00

Award:

AgVantage FS

1600 8th St SW

Waverly, IA 50677

Contacts:

Cody Ewing 319-533-8812

Chris Baker 319-533-8812

Matt Locke 319-533-1516



MEMORANDUM OF AGREEMENT

WHEREAS, the Linn County Board of Supervisors ("Supervisors") and the Linn County Conservation Board are desirous of entering into an agreement formalizing the relationship between the parties concerning the discharge of duties and responsibilities as public employer of employees working in the Linn County Conservation Department, and

WHEREAS, the Supervisors and the Linn County Conservation Board are desirous of continuing the efficient and economical discharge of the aforementioned duties and responsibilities to employees working in the Linn County Conservation Department through utilization of the services of the Linn County Human Resources Department, and

WHEREAS, the Supervisors and the Linn County Conservation Board are desirous of accomplishing the aforementioned objectives while accommodating the existing policies, practices and established working relationships between the parties as well as provisions of the Code of Iowa pertaining to public employees.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. The Supervisors and Conservation Board hereby agree that the Conservation Board specifically reserves all powers pursuant to Section 137.6, Code of Iowa, save only those powers necessary to comply with Chapter 20, Code of Iowa, by reason of Conservation Board and Linn County employees being members of combined bargaining units.

2. The Supervisors and Conservation Board agree that the Conservation Board utilize the services of the Linn County Human Resources Department, including but not

limited to the Linn County Human Resources Director, in the discharge of the duties and responsibilities of a public employer in the state of Iowa as concerns employees working in the Linn County Conservation Department.

3. The Conservation Board hereby adopts the Linn County Employee Handbook, as periodically updated, revised by the Supervisors, and approved by the Conservation Board for application to employees working in the Linn County Conservation Department in the same manner and to the same extent as said handbook is applied to all employees of Linn County, Iowa. Should the Conservation Board desire changes to said handbook, such changes shall be presented to the Supervisors for consideration.

4. The Supervisors hereby acknowledge that the Conservation Board retains all the duties and authority of a public employer in the State of Iowa concerning all employees working in the Linn County Conservation Department who are not bargaining unit members as determined by the Iowa Public Employment Relations Board and are not covered by collective bargaining agreements between Linn County, Iowa, and American Federation of State, County and Municipal Employees, AFL-CIO, Local 231.

5. The Conservation Board hereby adopts the Linn County, Iowa, Policies and Procedures for Management and Confidential Personnel Manual, as periodically updated, revised, and approved by the Conservation Board for application to all employees working in the Linn County Conservation Department who are not bargaining unit members as determined by the Iowa Public Employment Relations Board and who are not covered by collective bargaining agreements between Linn County, Iowa, and American Federation of State, County and Municipal Employees, AFL-CIO, Local 231, in

the same manner and to the same extent as said manual is applied to employees of Linn County, Iowa, with the exception that where said manual refers to the Linn County Board of Supervisors, the Linn County Conservation Board shall be substituted. Modifications to said manual may be offered by the Conservation Board to the Supervisors on a periodic basis. Suggested modifications not accepted by the Supervisors may be placed in said manual by the Conservation Board for application only to employees working in the Linn County Conservation Department who are not bargaining unit members as determined by the Iowa Public Employment Relations Board and who are not covered by collective bargaining agreements between Linn County, Iowa, and American Federation of State, County, and Municipal Employees, AFL-CIO, Local 231.

6. The Supervisors and the Conservation Board hereby reaffirm that employees working in the Linn County Conservation Department who are bargaining unit members as determined by the Iowa Public Employment Relations Board are covered by collective bargaining agreements between Linn County, Iowa, and American Federation of State, County and Municipal Employees, AFL-CIO, Local 231. The Supervisors and the Conservation Board agree that in so far as department operational concerns can be accommodated in the provisions of the aforementioned collective bargaining agreements, and their administration, the Supervisors shall endeavor, whenever reasonable and appropriate, to accomplish such Conservation Board objectives.

The Supervisors and Conservation Board agree that concerning fiscal responsibilities placed upon the Conservation Board by virtue of the collective bargaining agreements between Linn County, Iowa, and American Federation of State, County and

Municipal Employees, AFL-CIO, Local 231, the Conservation Board shall be treated by the Supervisors in the budget and appropriation process as regards such fiscal responsibilities as are treated other departments and offices of elected officials of Linn County, Iowa.

7. The term of this agreement shall be one (1) year from the date of its execution by the parties. The agreement shall renew for successive one (1) year terms unless either party provides notice in writing to the other party not less than sixty (60) days prior to expiration of the initial or a successive term of this agreement.

Further, termination of this agreement shall not affect the rights of the parties, nor American Federation of State, County and Municipal Employees, AFL-CIO, Local 231, concerning the collective bargaining agreements between Linn County, Iowa, and American Federation of State, County and Municipal Employees, AFL-CIO, Local 231, and the composition of bargaining units under said collective bargaining agreements, then in effect, as determined by the Iowa Public Employment Relations Board.

DATED at Cedar Rapids, Linn County, Iowa, this ____ day of _____, 2021.

LINN COUNTY CONSERVATION BOARD LINN COUNTY, IA BOARD OF SUPERVISORS


CHAIRPERSON

CHAIRPERSON

RESOLUTION # _____

ESTABLISH ASSESSMENT DISTRICT – WAYSIDE CIRCLE

WHEREAS, final hearing was held on the apportionment of the assessment of the cost of the secondary road assessment district, improvement of Wayside Circle, located in section 36-84-8 within Blair Ridge Estates Addition and Blair Ridge Estates Second Addition, 0.33 miles as shown on the plat of the assessment district on August 4, 2021 and described below.

WHEREAS, said Board has determined that the Linn County Engineer's Report concerning said apportionment should be affirmed as an equitable and just apportionment, and

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors, Linn County, Iowa, this date met in lawful session, that the special assessment for above named Secondary Road Assessment District shall bear interest at the rate of three and one-half percent (3.5%) per annum commencing 20 days from the date of levy, and shall be collected at the September 30, 2022 semi-annual payment of ordinary taxes.

(Date of Levy being August 5, 2021.)

Blair Ridge Estates Addition

Owner	Lot	Assessment
Todd Stelling & Sue Kaness	1	\$3,693.28
Farl & Elizabeth Greene	2	\$3,693.28
Charles & Vanessa Naber	3	\$3,693.28
Donald & Margaret Lakose	4	\$3,693.28
Andrew & Joyce Folkmann Trust	5	\$3,693.28
Chris & Angela Cummings	6	\$3,693.28
James & Jennifer Jacobs	9	\$3,693.28
Kenneth & Susan Clayton	10	\$3,693.28
Darren & Lisa Finch	11	\$3,693.28
Gregory & Rosemary Berckes	12	\$3,693.28
Matthew Koch	13	\$3,693.28
James Stone	14	\$3,693.28
Joseph & Terrie Mlodzik	15	\$3,693.28
Diane Talyat	16	\$3,693.28

Blair Ridge Estates Second Addition

Owner	Lot	Assessment
David & Mary Mosher	1	\$3,693.28
Stoller USA Inc.	2	\$3,693.28

Moved by Supervisor _____ Seconded by Supervisor _____ that the above resolution be adopted this _____ day of _____, 2021 by a vote of ____ aye ____ nay and _____ abstain from voting.

BOARD OF SUPERVISORS
LINN COUNTY, IOWA

Chairperson

Vice Chairperson

Supervisor

ATTEST:

Linn County Auditor

Prepared by Jessie Black
Linn County Planning & Development
935 2nd Street S.W., Cedar Rapids, Iowa 52404-2100
(319) 892-5130
Return to Becky Shoop, Auditor's Office

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

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

SECTION 1. SEE ATTACHMENT A

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

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

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

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

Public hearing and first consideration on the 2nd day of August, 2021

Second consideration on the 4th day of August, 2021

Third and final passage on the 11th day of August, 2021

Published in the Gazette on the _____ day of August, 2021

LINN COUNTY BOARD OF SUPERVISORS

Chairperson

Supervisor

Supervisor

ATTEST:

Joel D. Miller, Linn County Auditor

STATE OF IOWA)
) SS
COUNTY OF LINN)

I, _____, County Auditor of Linn County, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance passed by the Linn County Board of Supervisors at a regular meeting of said Board held on _____, 2021 and published as provided by law on _____, 2021.

Linn County Auditor

Subscribed and sworn to me this _____ day of _____, 2021.

Notary Public, State of Iowa

ATTACHMENT A

Text that is being deleted is shown as ~~striketrough~~; new or replacement language will be displayed as underlined text.

ARTICLE VII, ZONING CLASSIFICATIONS, DENSITY, DIMENSIONAL STANDARDS AND ALLOWED USES, SECTION 107-144, - FLOODPLAIN OVERLAY DISTRICT:

1. Title, Subsections (a) and (b):

Sec. 107-144. - Floodplain Overlay Districts.

- (a) *Purpose.* It is the purpose of the Floodplain Overlay Districts to promote the public health, safety, and general welfare by minimizing flood losses by adopting provisions designed to:
- (1) Reserve sufficient floodplain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.
 - (2) Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.
 - (3) Require that uses vulnerable to floods, including public utilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.
 - (4) Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.
 - (5) Ensure that property owners in the county maintain eligibility to purchase flood insurance through the national flood insurance program.
- (b) *Geographic location.* The Floodplain Overlay Districts shall apply to all lands within the jurisdiction of the county as shown on the flood insurance rate maps to be within the base flood elevation (BFE) boundaries.

2. Subsection (e)(1)(m):

- m. Forward all requests for ~~floodway district~~ conditional use permits to the planning and zoning commission and board of adjustment.

3. Subsection (e)(3) & (e)(3)(a)

- (3) ~~Floodway district Conditional uses, permits and variances requests.~~
- a. ~~Floodway district Conditional uses.~~ Requests for ~~floodway district~~ a conditional uses permit shall be submitted to the zoning administrator, who shall forward such to the board of adjustment for consideration. Such requests shall include information ordinarily submitted with applications as well as any additional information deemed necessary by the zoning administrator.

4. Subsection (e)(3)(c)

- c. *Hearings and decisions of the board of adjustment.*
1. *Hearings.* Upon the filing of a request for ~~floodway district~~ a conditional use or a variance with the board of adjustment the board shall hold a public hearing. The board shall fix a reasonable time for the hearing and give public notice thereof, as well as due notice to parties in interest. At the hearing, any party may appear in person or by agent

or attorney and present written or oral evidence. The board may require the appellant or applicant to provide such information as is reasonably deemed necessary and may request the technical assistance or evaluation of a professional engineer or other expert person or agency, including the department of natural resources.

2. *Decisions.* The board of adjustment shall arrive at a decision on a ~~floodway-district~~ conditional use or variance within a reasonable time. The board of adjustment may, so long as such action is in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons of its decision.
3. *Factors.* For a ~~floodway-district~~ conditional use or variance application, the board of adjustment shall consider such factors as contained in this section and all other relevant sections of this chapter and may prescribe such conditions as contained in subsection (e)(3)c.4 of this section:
 - (i) The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - (ii) The danger that materials may be swept on to other lands or downstream to the injury of others.
 - (iii) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
 - (iv) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - (v) The importance of the services provided by the proposed facility to the county board.
 - (vi) The requirements of the facility for a floodplain location.
 - (vii) The availability of alternate locations not subject to flooding for the proposed use.
 - (viii) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - (ix) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
 - (x) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - (xi) The expected height, velocity, duration, rate of rise and sediment transport of the floodwater expected at the site.
 - (xii) Such other factors which are relevant to the purpose of this chapter.
4. *Conditions attached to ~~floodway-district~~ conditional uses or variances.* Upon consideration of the factors listed above, the board of adjustment may attach such conditions to the granting of ~~floodway-district~~ conditional uses or variances as it deems necessary to further the purpose of this chapter. Such conditions may include, but are not necessarily limited to:
 - (i) Modification of waste disposal and water supply facilities.
 - (ii) Limitation on periods of use and operation.

- (iii) Imposition of operational controls, sureties and deed restrictions.
- (iv) Requirements for construction of channel modification, dikes, levees, and other protective measures, provided such are approved by the department of natural resources and are deemed the only practical alternative to achieving the purposes of this chapter.
- (v) Floodproofing measures.

5. Subsection (g)(5)(e)

- e. New ~~or~~and substantially improved structures. All new ~~or~~and substantially improved structures shall meet the following performance standards:
 - 1. Fully enclosed areas below the lowest floor (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:
 - (i) A minimum of two openings, with positioning on at least two walls, having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (ii) The bottom of all openings shall be no higher than one foot above grade.
 - (iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - (iv) The enclosed areas, shall be solely used for low damage potential uses such as parking of vehicles, limited storage, and/or access to the building.
 - (v) A non-conversion agreement shall be executed and recorded with the county recorder's office.
 - 2. New ~~or~~and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - 3. New ~~or~~and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork) elevated or floodproofed to at least two feet above the base flood elevation.
 - 4. New and substantially improved structures shall be constructed with plumbing, gas lines, water/gas meters and other similar service utilities either elevated (or in the case of non-residential structures, optionally floodproofed) to a minimum of two (2) feet above the base flood elevation or designed to be watertight and withstand inundation to such a level.

6. Subsection (g)(5)(f)

- f. ~~Factory-built homes:- All new and substantially improved factory-built homes including those placed in existing factory-built home parks or subdivisions shall be anchored to resist flotation, collapse, or lateral movement, and shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of two feet above the base flood~~

~~elevation. Anchorage systems may include, but are not limited to, use of over-the-top or frame ties to ground anchors as required by the State Building Code.~~

1. All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of two (2) feet above the base flood elevation.
2. All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Anchorage systems may include, but are not limited to, use of over-the-top or frame ties to ground anchors as required by the State Building Code.

7. Subsection (g)(5)(k)

- k. Subdivisions. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards. Subdivision proposals intended for residential development shall provide all lots with a means of vehicular access that will remain dry during occurrence of a base flood. All ~~p~~Proposals for subdivisions shall include base flood elevation data for those areas located within the floodway fringe district. All subdivisions must comply with article IV, development review processes and requirements.

8. Subsection (i)

- (i) Performance standards for recreational vehicles in all floodplain overlay districts. Recreational vehicles may not be parked on-site for more than 180 days in a calendar year and must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on wheels or a jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions. Recreational vehicles on site for more than 180 days and not ready for highway use shall be considered factory-built homes and must comply with section 107-44(g)5.f.

9. Subsection (j)

- (j) *Nonconforming Uses*—All Ffloodplain overlay districts. A structure or the use of a structure or premises which was lawful before the passage or amendment of this ordinance, but which is not in conformity with the provisions of this ordinance, may be continued subject to the following conditions:

ALTERNATIVES:

The following alternatives may be considered regarding the proposed UDC text amendments:

1. Recommend approval of the proposed amendments.
2. Recommend denial of the proposed amendments.
3. Refer the proposed amendments back to the staff for additional review/information.

STAFF RECOMMENDATION:

Staff recommends Alternative 1, recommend approval of the proposed UDC text amendments.

Prepared by Jessie Black
Linn County Planning & Development
935 2nd Street S.W., Cedar Rapids, Iowa 52404-2100
(319) 892-5130
Return to Becky Shoop, Auditor's Office

LINN COUNTY ORDINANCE NO. _____

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF LINN COUNTY, IOWA BY REZONING AND CHANGING THE DISTRICT CLASSIFICATION OF CERTAIN PROPERTY LOCATED IN THE 400 BLOCK OF WILDER DRIVE, GPN 151912600400000, IOWA FROM THE "AG" AGRICULTURAL ZONING DISTRICT TO THE "RR2" RURAL RESIDENTIAL 2-ACRE ZONING DISTRICT

BE IT ORDAINED by the Board of Supervisors of Linn County, Iowa, in accordance to the Findings of Fact and Conclusions of Law as established in the staff report for rezoning Case JR21-0007 or as otherwise established by the Board, as follows:

SECTION 1. ZONING DISTRICT CHANGED. The zoning of property located in the 400 block of Wilder Drive, GPN 151912600400000, Iowa legally described as:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 19; THENCE S88°43'25"E 356.06 FEET ALONG THE NORTH LINE OF SAID SECTION 19 TO THE NORTHEAST CORNER OF PARCEL A, PLAT OF SURVEY NO. 2458 AS RECORDED IN BOOK 10761, PAGE 338 IN THE OFFICE OF THE LINN COUNTY, IOWA RECORDER AND THE POINT OF BEGINNING; THENCE CONTINUING S88°43'25"E 309.06 FEET ALONG THE NORTH LINE OF SAID SECTION 19 TO THE NORTHEAST CORNER OF THE WEST HALF OF THE WEST HALF OF SAID NORTHEAST QUARTER; THENCE S0°14'04"W 2639.02 FEET ALONG THE EAST LINE OF THE WEST HALF OF THE WEST HALF OF SAID NORTHEAST QUARTER TO THE SOUTHEAST CORNER THEREOF; THENCE S0°02'55"W 40.02 FEET ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 19; THENCE N88°40'48"W 664.34 FEET ALONG THE NORTH LINE OF JERABEK'S FIRST ADDITION TO LINN COUNTY, IOWA AS RECORDED IN BOOK 1717, PAGE 40 IN THE OFFICE OF THE LINN COUNTY, IOWA RECORDER AND A WESTERLY EXTENSION THEREOF TO THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE N0°07'31"E 40.26 FEET ALONG SAID WEST LINE TO THE CENTER OF SAID SECTION 19; THENCE S88°39'33"E 66.01 FEET ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER TO THE EAST RIGHT OF WAY OF WILDER DRIVE; THENCE N0°12'57"E 2563.35 FEET ALONG SAID EAST RIGHT OF WAY TO THE SOUTH LINE OF SAID PARCEL A; THENCE S88°43'25"E 290.05 FEET ALONG SAID SOUTH LINE TO THE SOUTHEAST CORNER OF SAID PARCEL A; THENCE N0°12'57"E 75.01 FEET ALONG THE EAST LINE OF SAID PARCEL A TO THE POINT OF BEGINNING.

is hereby changed from the "AG" Agricultural zoning district to the "RR2" Rural Residential 2-Acre zoning district.

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

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

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

SECTION 5. SAVING. The Code of Ordinances, Linn County, Iowa, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 6. EFFECTIVE DATE. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Public hearing and first consideration on the 2nd day of August, 2021

Second consideration on the 4th day of August, 2021

Third and final passage on the _____ day of _____, _____

Published in the Gazette on the _____ day of _____, _____

LINN COUNTY BOARD OF SUPERVISORS

Chairperson

Supervisor

Supervisor

ATTEST:

Joel D. Miller, Linn County Auditor

STATE OF IOWA)
) SS
COUNTY OF LINN)

I, _____, County Auditor of Linn County, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance passed by the Linn County Board of Supervisors at a regular meeting of said Board held on _____, 2021 and published as provided by law on _____, 2021.

Linn County Auditor

Subscribed and sworn to me this _____ day of _____, 2021.

Notary Public, State of Iowa