

BOARD OF SUPERVISORS

District 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, July 7, 2021

11 a.m.

Formal Board Room—Jean Oxley Public Service Center
935 2nd St. SW, 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.

Approve and authorize Chair to sign a Vacancy Form requesting a Deputy Auditor – Tax Services for the Auditor's office.

Reports

Resolutions

Resolution to approve Residential Parcel Split for Attwood Estates First Addition, case JPS20-0021.

Resolution to approve Final Plat for Norris Acres First Addition, case JF21-0008

Contract and Agreements

Authorize Chair to sign contract amendment #6 5881HC08, between Linn County Community Services – Ryan White Program and Iowa Department of Public Health for the period of April 1, 2020 to March 31, 2021 for a total contract equaling \$764,828 (Funding Source correction made by IDPH from Contract Amendment #5).

Licenses & Permits

Approve Native Wine Permit for Culver's Garden Center & Greenhouse, 1687 Old Dubuque Rd., 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.

Second Consideration on an ordinance amending the Code of Ordinances, Linn County, Iowa by amending provisions in Chapter 107, Unified Development Code, related to Home Occupations and Floodplain Overlay District.

Presentation and approval of tax levies for Fiscal Year 2021-2022 tax collections.

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

Closed Session

The Board will enter into a closed session pursuant to Iowa Code Section 21.5.(1)(j) to discuss the purchase or sale of real estate.

Adjournment

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

LINN COUNTY BOARD OF SUPERVISORS

RESOLUTION # _____

APPROVING RESIDENTIAL PARCEL SPLIT

WHEREAS, a Residential Parcel Split of Attwood Estates First Addition (Case # JPS20-0021) 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 NWNW of Section 8, Township 85 North, Range 8 West of the 5th P.M., Linn County, Iowa, described as follows:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 8; THENCE NORTH 88°06'24" EAST ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER A DISTANCE OF 197.54 FEET TO THE CENTERLINE OF URBANA ROAD; THENCE SOUTH 55°19'27" EAST ALONG SAID CENTERLINE 573.09 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 55°19'27" EAST ALONG SAID CENTERLINE 375.45 FEET; THENCE SOUTH 34°40'33" WEST, 332.90'; THENCE NORTH 55°19'27" WEST, 331.25 FEET; THENCE NORTH 27°06'44" EAST, 335.82 FEET TO THE POINT OF BEGINNING, CONTAINING 2.70 ACRES, MORE OR LESS, INCLUDING 0.43 ACRES, MORE OR LESS, WITHIN 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 October 21, 2020 as last amended on November 16, 2020 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. One entrance per parcel is allowed.
2. Dedication of road right-of-way, County Standard Specifications, Section 5. Fifty feet of right-of-way on Urbana 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 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. Wet soils may adversely impact possible home and septic site(s). Clarify plans for subsurface drainage with USDA Natural Resources Conservation Service (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 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 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 **NOVEMBER 16, 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 Unified Development Code.

Linn County Board of Supervisors

Resolution # _____

JPS20-0021

July 7, 2021

Page 3 of 4

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 July 7, 2022 to be valid.

Passed and approved this 7th day of July, 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

RESOLUTION # _____

APPROVING A FINAL PLAT

WHEREAS, a final plat of NORRIS ACRES FIRST ADDITION (Case #JF21-0008) to Linn County, Iowa, containing five (5) lots, numbered Lot 1, Lot 2, Lot 3 and Lot 4, and lettered Lot A, has been filed for approval, a subdivision of real estate located in the SWSW of Section 31, Township 85 North, Range 7 West of the 5th P.M., Linn County, Iowa, described as follows:

Beginning at the NE Corner of Lot 1, Brosh's First Addition to Linn County; thence N89°44'44"E along the south line of Lot 2, Huff's First Addition to Linn County, 213.27 feet; thence N89°39'19"E, 457.94 feet to the east line of said NW FRL ¼SW¼; thence S00°16'20"E along said east line and along the east line of SE¼ SW¼, 1777.64 feet to the centerline of North Center Point Road; thence N46°25'50"W along said centerline, 927.96 feet to the east line of Lot 2, said Brosh's Addition; thence N00°22'08"W along said east line, 1134.36 feet to the Point of Beginning, containing 22.40 acres which includes 1.28 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 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 a single access. Lot 2, Lot 3, and Lot 4 shall be limited to one shared access.
2. Dedication of road right-of-way, County Standard Specifications, Section 5. Sixty feet of right-of-way on North Center Point 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. Entrance permits and E-911 address signs to be applied for at Linn County Secondary Road Department prior to entrance construction (319-892-6400).

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. 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. Submit erosion and sediment control plan for review and acceptance.
4. Submit a site plan showing potential location of home, septic and water well on lots 1 through 4.
5. Clarify plans to address potential wetland area with NRCS.
6. Applicant shall complete and submit a Land Disturbing affidavit to the Linn County Soil and Water Conservation District as required by Iowa Code.

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 Hiawatha and the City of Robins. 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. 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

7. 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.

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 July 7, 2022 to be valid.

Passed and approved this 7th day of July, 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



Protecting and Improving the Health of Iowans

Kim Reynolds, Governor

Adam Gregg, Lt. Governor

Kelly Garcia, Interim Director

| | |
|--|--|
| DATE: June 24, 2021 | AMENDMENT #: 6 |
| CONTRACT: 5881HC08 | PROJECT TITLE: HIV Core and Medical Support Services |
| CONTRACTOR LEGAL NAME AND ADDRESS: Linn County Treasurer dba Linn County Community Services 1240 26 th Avenue Court SW Cedar Rapids, IA 52404 | TOTAL CONTRACT AMOUNT: \$374,937.00 \$392,937.00 \$392,938.00 \$764,828.00 |
| STATE OF IOWA DEPT. OF ADMINISTRATIVE SERVICES VENDOR #: 00002127879 | FUNDING SOURCE: FEDERAL: \$334,867.00 \$352,867.00 \$354,108.00 \$514,273.00 \$421,096.00 \$325,600.00 \$429,127.00 STATE: \$1,487.00 \$496.00 \$1,982.00 OTHER: \$38,583.00 \$38,334.00 \$247,827.00 \$341,004.00 \$437,246.00 \$333,719.00 Interagency State: \$0 Interagency Federal: \$0 Private/Fees/Other: \$38,583.00 \$38,334.00 \$247,827.00 \$437,246.00 \$333,719.00 |

We are correcting the funding sources on the Face sheet to correct an error. The amended contract amount on the face sheet remains the same. The contract total is: \$764,828.00.

All other conditions and terms of the contract remain in effect. The contractor specifies no additional changes have been made to the Special Conditions or General Conditions. The parties hereto have executed this contract amendment on the day and year last specified below.

| | |
|---|--|
| <p>For and on behalf of the Department:</p> <p>By: _____ Caitlin S. Pedati MD, MPH, FAAP Medical Director and State Epidemiologist</p> | <p>For and on behalf of the Contractor:</p> <p>By: _____ Insert Date (required if not a digital signature): _____</p> |
|---|--|



Protecting and Improving the Health of Iowans

Kim Reynolds, Governor

Adam Gregg, Lt. Governor

Kelly Garcia, Interim Director

| | | | |
|--|-------------|-----------|---------------|
| Early Intervention Services | \$0.00 | | \$0.00 |
| Health Insurance Premium & Cost Sharing Assistance | \$10,350.00 | +\$746.00 | \$11,096.00 ✓ |
| Mental Health | \$0.00 | | \$0.00 |
| Medical Nutrition Therapy | \$0.00 | | \$0.00 |
| Substance Abuse Services Outpatient | \$0.00 | | \$0.00 |
| Emergency Financial Assistance | \$32,428.00 | | \$32,428.00 ✓ |
| Food Bank/Home | \$13,500.00 | | \$13,500.00 ✓ |
| Health Education/Risk Reduction | \$0.00 | | \$0.00 |
| Housing services | \$70,013.00 | | \$70,013.00 ✓ |
| Linguistic Services | \$100.00 | | \$100.00 ✓ |
| Medical Transportation Services | \$10,225.00 | | \$10,225.00 ✓ |
| Outreach Services | \$0.00 | | \$0.00 |
| Psychosocial Support Services (Support Group) | \$0.00 | | \$0.00 |
| Referral for Health care/ Supportive Services | \$17,082.00 | | \$17,082.00 ✓ |
| Substance Abuse Services (residential) | \$0.00 | | \$0.00 |
| Other | \$0.00 | | \$0.00 |

C. Infrastructure Development

| | | | |
|---|-------------------------------|-----------|---------------------------------|
| Quality Management activities | \$0.00 | | \$0.00 |
| Data Management activities | \$0.00 | | \$0.00 |
| Planning and Coordination activities | \$0.00 | | \$0.00 |
| D. Field Benefits Specialists | \$39,999.00 33,999 | | \$39,999.00 33,999 |
| E. Capacity Building | \$252.00 | | \$252.00 ✓ |
| F. Supplies | \$800.00 | | \$800.00 ✓ |
| Sub total | \$343,404.00 | +746.00 | \$344,150.00 |
| Administration 10% of the entire budget | \$33,740.00 | | \$33,740.00 ✓ |
| Total | \$377,144.00 | +\$746.00 | \$377,890.00 371,890 |

The amended contract amount on the face sheet shows and increase of \$746.00. The contract total is \$764,828.00.

All other conditions and terms of the contract remain in effect. The contractor specifies no additional changes have been made to the Special Conditions or General Conditions. The parties hereto have executed this contract amendment on the day and year last specified below.

For and on behalf of the Department:
 By: Caitlin Pedati Digitally signed by Caitlin Pedati
Date: 2021.05.18 12:21:35 -0500
 Caitlin S. Pedati MD, MPH, FAAP
 Medical Director and State Epidemiologist

For and on behalf of the Contractor:
 By: Spencer Walsh
 Insert Date (required if not a digital signature): 5/12/21

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 6th day of July, 2021

Second consideration on the 7th day of July, 2021

Third and final passage on the 14th day of July, 2021

Published in the Gazette on the 20th day of July, 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

Language that is added to the section will be displayed as underlined text and deleted language will be represented as ~~strikethrough~~ text.

ARTICLE VI, SPECIFIC DEVELOPMENT STANDARDS, SECTION 107-113.- STANDARDS FOR RESIDENTIAL USES:

1. Table 107-113 Home Occupation Requirements Summary:

| Lot or Parcel size | Total floor area of home occupation | | Maximum number of nonresident employees on premises at any one time | | Minimum number of off-street parking spaces | Maximum size for allowed sign | |
|--|-------------------------------------|---------------------------------------|---|-------------|---|-------------------------------|------------------|
| | Permitted ¹ | Conditional ² | Permitted | Conditional | | Permitted | Conditional |
| <u>1.00 or Less</u> | <u>Limited to residence</u> | <u>750 sq. ft.</u> | <u>Not Allowed</u> | 1 | 2 | <u>Not Allowed</u> | <u>8 sq. ft.</u> |
| Up to <u>1.01 to</u> 1.99 acres | Limited to residence | 750 <u>1,000</u> sq. ft. | Not Allowed | 1 | 2 | Not Allowed | 8 sq. ft. |
| 2.00 to- <u>4.99</u> acres | Limited to residence | 1,000 <u>1,200</u> sq. ft. | Not Allowed | 2 | 3 | Not Allowed | 12 sq ft |
| 5.00 to <u>- 9.99</u> acres | Limited to residence | 1,500 <u>1,750</u> sq. ft. | Not Allowed | 3 | 4 | Not Allowed | 16 sq. ft. |
| 10 acres or more <u>greater</u> | Limited to residence | 2,500 sq. ft. | Not Allowed | 5 | 6 | Not Allowed | 32 sq. ft. |

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

2. Subsections (b) and (c):

- (b) Geographic location. The Floodplain Overlay District shall apply to all lands within the jurisdiction of the county as shown on the flood ~~boundary and floodway~~ insurance rate maps to be within the base flood elevation (BFE) boundaries.
- (c) Establishment of official floodplain zoning map. The county and incorporated areas flood insurance rate map (FIRM), prepared as part of the Federal Emergency Management Agency (FEMA) flood insurance study, dated ~~April 5, 2010~~ July 20, 2021, and digital FIRM equivalents are hereby adopted by reference and declared to be the official floodplain zoning map.

3. Subsection (e)(1)(d)(1):

d. Record and maintain a record of:

1. The elevation (in relation to ~~National Geodetic Vertical Datum 1929~~ or North American Vertical Datum 1988) of the lowest floor of all new or substantially improved structures; or

4. Subsection (e)(2)(a)(6):

6. Elevation (in relation to ~~National Geodetic Vertical Datum 1929~~ or North American Vertical Datum 1988) of the lowest floor (including basement) of building or of the level to which a building is to be floodproofed.

5. Subsection (g)(3):

(3) Floodway district performance standards. All floodway district ~~uses~~development allowed as a permitted or conditional use shall meet the following standards:

- a. No ~~use~~development shall be permitted in the floodway district that would result in any increase in the base flood elevation. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
- b. All ~~uses~~development within the floodway district shall:
 1. Be consistent with the need to minimize flood damage.
 2. Use construction methods and practices that will minimize flood damage.
 3. Use construction materials and utility equipment that are resistant to flood damage.
- c. No ~~use~~ development shall affect the capacity or conveyance of the channel or floodway or any tributary to the main stream, drainage ditch, or any other drainage facility or system.
- d. Structures, buildings, recreational vehicles, and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the floodway fringe district and shall be constructed or aligned to present the minimum possible resistance to flood flows.
- e. ~~Buildings~~ Structures, if permitted, shall have a low flood damage potential and shall not be for human habitation.

6. Subsection (g)(5) & (g)(5)(a)(1)

(5) Floodway fringe district performance standards. All ~~uses~~development must be consistent with the need to minimize flood damage and shall meet the following applicable performance standards. Until a regulatory floodway is designated, no use or development may increase the base flood elevation more than one (1) foot.

- a. All structures or development shall:
 1. Be designed and adequately anchored to prevent flotation, collapse or lateral movement of the structure;

7. Subsection (g)(5)(b)(2)

- (2) When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 0.2% annual chance flood; and that the structure, below the 0.2% annual

chance flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988 or ~~National Geodetic Vertical Datum 1929~~) to which any structures are floodproofed shall be maintained by the Administrator.

8. Subsection (g)(5)(d)

- d. Non-residential structures. All new or substantially improved non-residential structures shall have the lowest floor (including basement) elevated a minimum of two feet above the base flood elevation, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the state shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood; and that the structure, below the base flood elevation, is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to ~~National Geodetic Vertical Datum 1929~~ or North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the zoning administrator.

9. Subsection (g)(5)(d)

- i. No usesdevelopment shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch, or other drainage facility or system.

13. Subsection (g)(6)

- (6) General floodplain district permitted uses. All usesdevelopment within the general floodplain district shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the general floodplain district and receive any additional permit approvals as required by the U.S. Army Corps of Engineers or Iowa department of natural resources.
 - a. Any usesdevelopment which involves placement of structures, factory-built homes, fill or other obstructions, storage of materials or equipment, excavation or alteration of a watercourse shall be reviewed by the department of natural resources to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the base flood elevation. The applicant shall be responsible for providing the department of natural resources with sufficient technical information to make the determination.

14. Subsection (g)(7)

- (7) General floodplain district performance standards
 1. All usesdevelopment, or portions thereof, to be located in the floodway as determined by the department of natural resources shall meet the applicable provisions and standards of section 107-144(g)3.
 2. All usesdevelopment, or portions thereof, to be located in the floodway fringe as determined by the department of natural resources shall meet the applicable provisions and standards of the floodway fringe district section 107-144(g)5.

15. Subsection (i)

- (i) Performance standards for recreational vehicles ~~not associated with a campground~~. 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 shall be consider factory built homes and must comply with section 107-17744(g)5.f.