

**LINN COUNTY ORDINANCE # 19-12-2021**

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

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

**SECTION 1. SEE ATTACHMENT A**

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 REPEALER.** All ordinances or parts of ordinances in conflict with this ordinance are repealed.

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

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

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

Public hearing and first consideration on the 6<sup>th</sup> day of December, 2021

Second consideration on the 8<sup>th</sup> day of December, 2021

Third and final passage on the 15<sup>th</sup> day of December, 2021

Published in the Gazette on the 18<sup>th</sup> day of December, 2021

**LINN COUNTY BOARD OF SUPERVISORS**

**ATTACHMENT A**

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

**PROPOSED AMENDMENTS:**

**ARTICLE IV, DEVELOPMENT REVIEW PROCESSES AND REQUIREMENTS, SECTION 107-72 LAND DIVISION PROCESSES AND REQUIREMENTS:**

1. **Subsection (2)(f)(11):**

11. *Final plat filing requirements.* ~~Four~~ Two copies of the final plat, together with copies of forms and certificates as specified in subsection (2)g of this section, shall be submitted to the planning and development department in bound form, ~~together with an additional two unbound copies of the final plat.~~

2. **Subsection (2)(g)(1):**

1. *Filing document requirements.* Required filings with the county recorder shall include all of the following documents:
  - (i) Owner's certificate and dedication certificate executed in the form provided by state law, dedicating to the county the 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.
  - (x) Restrictive covenants or deed restrictions, as separate instruments, not combined with any other instrument.
  - (xi) ~~Twelve~~ Ten original signed plat drawings.
  - (xii) Covenant for a secondary road assessment.

3. **Subsection (4)(b)(4):**

- (4) *Residential parcel split.*
  4. If the remaining land is less than 35 net acres or does not otherwise meet zoning requirements, the remaining land shall be included in the minor subdivision for the residential parcel split and shall be noted as follows: "This parcel may only be developed in accordance with all development regulations in effect at the time development is proposed."

4. **Subsection (5):**

- (5) *Minor boundary change.*
  - a. *Purpose.* The purpose of this subsection is to prescribe uniform procedures for review of an adjustment to a common boundary between no more than two adjacent parcels or tracts of land.
  - b. *Conditions.*

1. A minor boundary change shall not create any additional parcels or tracts, and shall not result in the creation of any additional buildable parcels or tracts. A parcel or tract is considered non-buildable if it cannot comply with the provisions of this chapter, including but not limited to the provisions for nonconforming lots and legal lots of record in section 107-49.
  2. No new violations of this chapter shall be created by the action.
  3. Such division of land shall not be in conflict with any other state or lawful municipal regulations regarding division of land.
  4. The plat of survey parcel(s) shall be considered non-buildable until such time as it comes into compliance with this chapter, and a note shall be filed on the plat of survey indicating this.
- c. Application. An application for a minor boundary change shall be submitted on a form as established by the zoning administrator, along with an application filing fee as established by the board of supervisors. In addition, all of the following shall be submitted with the application and required fee:
1. A review copy of the plat of survey, including the plat of survey number, describing the areas to be conveyed between the adjacent property owners;
  2. ~~Deed restrictions combining any areas conveyed to the receiving parcel or tract;~~
  3. Any proposed or required easement agreement;
  4. An accompanying sketch plan that demonstrates all site and structure requirements for the zoning district in which the parcels of land are located can be maintained.
- d. *Review and approval.* Review of applications for minor boundary changes shall be by the zoning administrator or designee, who shall notify the surveyor of approval or of any required changes. The auditor's office shall receive a copy of the notification.
- e. *Recording of plat of survey.* The surveyor shall submit the plat of survey to the auditor's office following the zoning administrator's review, along with the required fees and documentation established by that office. The plat of survey shall be recorded in accordance with the provisions set forth in I.C.A. § 355.10.
- f. *Recording of ~~deed restrictions or easement agreements.~~* Upon notification that the plat of survey has been recorded, the planning and development department shall record any ~~deed restriction or easement agreement~~ submitted with the application.
- g. *Not subject to MLS or LESA requirements.* Minor boundary changes are not subject to the minimum levels of service requirements in section 107-69; nor are they subject to the land evaluation and site assessment requirements of section 107-70.

5. **Subsection (8)(b)(5):**

(8) *Land preservation parcel split.*

5. The deed restriction attached to the land preservation parcel shall be recorded with the plat. The deed restriction will describe the limitations for future development of the land preservation parcel and will include, at a minimum, the following provisions:

- (i) Other than as stipulated below, no new principal, conditional or accessory uses (including farm dwelling) shall be permitted on the land preservation parcel under the terms of the deed restriction as long as the restriction remains in place.
- (ii) Subject to applicable zoning and building permit requirements, the deed restriction shall allow, on the land preservation parcel, the construction, reconstruction, alteration, or enlargement of accessory buildings or structures (such as agricultural buildings) associated with the use of the land preservation parcel.
- (iii) If, in the future, the land preservation parcel subject to the deed restriction meets the county's development requirements in effect at the time development is proposed, the deed restriction may be removed through approval of such proposed development through appropriate platting and zoning applications, including the recordation of a document affirming that the conditions for development approval have been met and the restrictions no longer have force and effect.
- ~~(iv) The deed restriction shall automatically "sunset" upon the completion of annexation of the land preservation parcel into an incorporated city. Annexation shall be completed when all annexation documents have been recorded in the office of the county recorder.~~