

LINN COUNTY ORDINANCE # 3-2-2026

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, LINN COUNTY, IOWA BY MODIFYING PROVISIONS IN CHAPTER 107: ARTICLE VII SECTION 107-131 REGARDING DISTRICTS AND DISTRICT BOUNDARIES, ARTICLE VII SECTION 107-151 REGARDING EU-3 EXCLUSIVE USE THREE LARGE-SCALE DATA CENTERS DISTRICT, ARTICLE VIII SECTION 107-147-1 USE TABLE, AND ARTICLE IX SECTION 107-180 REGARDING DEFINITIONS RELATED TO DATA CENTERS

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

SECTION 1. SUBSECTION ADDED. Chapter 107, Article VI, Section 107-116 Standards for Industrial Uses § (e) is hereby added to read as follows:

- (e) *Small-Scale Data Center and other similar uses.* Small-scale data centers and other similar uses shall meet the requirements found in Section 107-151 § (d) through (m) of this chapter.

SECTION 2. SUBSECTION MODIFIED. Chapter 107, Article VII, Section 107-131 Districts and District Boundaries § (b) is hereby amended to include the EU-3 Exclusive Use District as follows:

- (19) EU-3 Exclusive Use Three, Large-Scale Data Center District

SECTION 3. SECTION ADDED. Chapter 107, Article VII, Section 107-151 EU-3 Exclusive Use Three, Large-Scale Data Center District is hereby added to read as follows:

- (a) *Purpose.* The purpose of the EU-3 Exclusive Use Three, Large-Scale Data Center District is to provide a clear, comprehensive, and predictable regulatory framework for the siting and operation of large-scale data centers within unincorporated Linn County. Large-scale data centers are characterized by substantial long-term demands on public infrastructure, including electrical power, water supply, transportation systems, and emergency services, as well as potential impacts on surrounding land uses and environmental resources. This district is intended to ensure that such facilities are evaluated, located, and developed in a manner consistent with the Comprehensive Plan; that their infrastructure and operational impacts are appropriately reviewed and mitigated; and that the County can fulfill its long-term fiscal, infrastructure, and community responsibilities associated with hosting generational infrastructure facilities.
- (b) Principal permitted use.
- (1) Large-scale Data Centers.
- (c) Accessory Uses.
- (1) Battery energy storage systems (BESS).
- (2) Solar arrays and other similar on-site renewable power generation systems.

- (3) On-site standby or backup power generation.
 - (4) Electrical substations, switchyards, or power distribution equipment.
 - (5) District energy or microgrid infrastructure.
 - (6) Water treatment and recycling facilities.
 - (7) Office, maintenance, and employee support facilities incidental to the data center.
- (d) *Major site plan required.* A major site plan shall be submitted and reviewed prior to the approval of a large-scale data center. A large-scale data center shall require rezoning to the EU-3 zoning district, unless already located within such EU-3 zoning district.
- (e) *Additional information.*
- (1) The following information shall be submitted on the major site plan, or in narrative form, supplied by the applicant with any application for rezoning to the EU-3 zoning district:
 - a. Legal description of all properties leased and/or owned, that are identified to be part of the project area;
 - b. A description of the project including development timeline, location of buildings, parking, approximate number of employees;
 - c. *Water Study.* A water study shall be submitted demonstrating that sufficient water resources are available to support the proposed use as described in Section 107-151 § (n)(1) below.
 - d. *Economic Development Agreement.* The applicant shall enter into an Economic Development Agreement (“EDA”) with the County, approved by the Board of Supervisors as described in Section 107-151 § (o) below.
 - (2) The following information shall be submitted prior to issuance of the first building permit for the data center:
 - a. Planned location of underground or overhead electric lines, grid interconnection points, project entrances, staging areas, and access roads required during construction and post construction;
 - b. *Waste Management Plan.* A Waste Management Plan detailing how construction waste will be handled during the construction period. The plan shall include:
 - i. Estimated volumes and types of materials to be generated.
 - ii. Identification of materials proposed for recycling, salvage, or reuse.
 - iii. Designated recycling and disposals facilities.
 - iv. Procedures for on-site material separation and storage.
 - v. Documentation requirements demonstrating final disposal or diversion;
 - c. Written verification from their proposed power provider that the applicant has calculated the maximum planned electrical consumption of the proposed use and has verified the utility supply and related electrical infrastructure is sufficient to accommodate the applicant’s proposed use;

- d. *Lighting Plan.* A lighting plan shall be submitted providing details of the light spread and intensity diagrams, fixture specifications and mounting height details. Any lighting used for outdoor illumination on the property shall be full-cutoff fixtures so that light does not shine upward nor adversely impact adjoining property.
 - e. A description of a backup power plan describing the fuel source and expected usage of any standby, backup, or temporary power generation systems. The plan shall identify the anticipated number and size of generators or other power units, anticipated testing frequency and duration, anticipated noise and emission control measures, and anticipated fuel storage or delivery methods. The plan shall demonstrate the data center will comply with all applicable local, state and federal permitting requirements.
 - f. *Road use agreement.* An approved Road Use Agreement containing the information and conditions specified in section 107-151§ (k) below is required before the start of construction.
 - g. *Pre-construction noise analysis.* Completed analysis shall be submitted in accordance with 107-151§ (l) below.
 - h. *Water Use Agreement.* The applicant shall submit a water use agreement to govern ongoing coordination between the applicant and the County regarding water use during operation of the facility as described in Section 107-151 § (n)(2) below.
 - i. *Emergency Response Plan.* The applicant shall submit an emergency response plan as described in Section 107-151 § (p) below.
 - j. Site and structure requirements, including:
 - i. Stormwater management plan;
 - ii. Stormwater pollution prevention plan;
 - iii. Erosion and sediment control plan;
 - iv. All Data Center production equipment (computers, servers, etc.) shall comply with Building Code requirements. Said structure(s) shall be placed on a permanent foundation.
- (3) For any data center facility consisting of one or more buildings (whether constructed simultaneously or in separate phases), the applicant shall not be required to submit or resubmit the items referenced in sections 107-151 §(e)(2)(a)-(i) as to any building or phase of buildings constructed after the initial building permit is issued, if such building or phase of buildings were contemplated on the relevant submission delivered under said sections 107-151 §(e)(2)(a)-(i) in connection with the first building permit issued for the data center and the scope and footprint of the project has not substantially changed from the time of initial submission.
- (f) *Required setbacks.*
- (1) 200 feet to property lines.

- (2) 1,000 feet (measured from the closest outer wall of the closest building on the data center property) to the closest outer wall of a place of public assembly and to the property line of any residentially zoned property, including residentially zoned properties within city limits. The Board of Supervisors, in consultation with any impacted city, may reduce this setback with a majority vote. Impacted city means any city with residentially zoned property within 1,000 feet of the closest outer wall of the closest building on the data center property. "Residentially owned property" does not include properties in the agricultural, critical natural resources, commercial, or industrial zoning districts.
- (g) *Street access.* The site shall have access to a hard surfaced road of sufficient capacity to accommodate the traffic that the use will generate, with continuous hard surfaced connection to a county arterial, or state or federal highway.
- (h) *Access.* Vehicular access points shall create a minimum of conflict with through traffic movement.
- (i) *Parking.* Parking and loading shall meet the standards in section 107-93 §(e).
- (j) *Buffers.* Buffers shall be installed meeting the standards in section 107-93 § (d). In addition, lot frontage on a public street shall be separated from the edge of sidewalk or pavement by a landscaped yard of at least 20 feet in width, except where driveway accesses occur.
- (k) *Avoidance and mitigation of damages to public infrastructure.*
 - (1) *Roads.* Applicants shall identify all roads planned to be used for the purpose of transporting equipment for construction, operation or maintenance of the data center and obtain applicable weight and size permits from the impacted road authority prior to construction.
 - (2) *Existing road conditions.* Applicant shall conduct and provide evidence of a pre-construction roadway conditions survey, in coordination with the Linn County Secondary Road Department, to determine baseline road conditions and authority. The survey shall adequately document all road, road right of way, and public drainage infrastructure conditions requested for use during all phases of construction. Applicants shall enter into a Road Use Agreement with Linn County Secondary Road Department that clearly details responsibilities for on-going road maintenance and dust control measures for all identified Linn County jurisdictional roads during all phases of construction. The Road Use Agreement may require certain applicant and county undertakings, including but not limited to providing financial assurance in the form of an irrevocable letter of credit, bond, cash, escrow, parent guarantee or other form of security or guaranty acceptable to Linn County. At construction completion, Applicant shall, unless otherwise provided in the applicable Road Use Agreement, conduct and provide evidence of a post construction roadway conditions survey, in accordance with the Road Use Agreement and in coordination with the Linn County Secondary Road Department, to verify that road conditions, to the extent impacted by applicant's use in the construction of its data center, have been restored, as far as reasonably practical, to pre-construction conditions or as otherwise required by the Road Use Agreement.

- (3) *Drainage system.* The applicant shall be responsible for repair of damage to public drainage systems stemming from construction, operation or maintenance of the data center. Applicant shall acknowledge any damage to public drainage systems and the responsibility for repair in a timely manner within 72 hours of damage discovery.
 - (4) *Road Use Agreement.* An approved Road Use Agreement containing the information and conditions specified in this section is required before the start of construction.
- (l) *Noise Analysis.* No operating data center equipment shall produce decibel levels exceeding any of the following limitations, with the exception of initial construction and routine maintenance. Adequate setbacks and effective sound mitigating equipment shall be used to comply with these limitations:
- (1) The average hourly noise level shall not exceed fifty-five (55) dBA or sixty-five (65) dBC as measured from the outer wall of any occupied structure within residentially zoned property adjacent to the proposed development. For property adjacent to the proposed development that is not residentially zoned, the average hourly noise level shall not exceed sixty-five (65) dBA or seventy-five (75) dBC as measured from the outer wall of any occupied structure. The average decibel limit is specific to source of the sound and does not count against cumulative ambient decibel levels as established in a baseline acoustic evaluation.
 - (2) Equipment testing, maintenance activities, and construction activities that generate elevated noise, including generator testing, shall be limited to the hours of 8:00 a.m. to 6:00 p.m., Monday through Friday, unless otherwise approved by the Zoning Administrator. County approval for excessive noise generation shall not be unreasonably withheld.
 - (3) The average hourly decibel level may be exceeded during short-term events such as severe windstorms.
 - (4) A pre- and post-construction noise evaluation shall be completed by a certified professional by the Institute of Noise Control Engineering (INCE), or a licensed Professional Engineer (PE) to verify compliance with the County's standards. The post-construction noise evaluation shall be completed after completion of all planned data center buildings at the end of construction (as defined in section 107-151(l)(5)).
 - (5) Commencing on the fifth anniversary of the end of construction, as defined hereafter, and continuing every five years thereafter, for so long as the data center operates, a noise evaluation shall be completed at the operators expense by a certified professional by the Institute of Noise Control Engineering (INCE), or a licensed professional engineer (PE) to verify compliance with the county's standards in section 107-151(l)(1). Completion of all data center buildings, or end of construction, means the date on which all of the following have occurred: completion of construction of the data center or, in the case of a phased or multi-building campus, all buildings of the multi-building data center campus, and issuance of a certificate of occupancy for all related buildings; and the data center

operator has communicated, in writing, to the Zoning Administrator that it has completed the data center campus; provided, that, if all construction has stopped on the property for more than six (6) consecutive calendar months, other than due to delays by the County in processing related permits or approvals, then "end of construction" as used herein shall be deemed to have occurred as of the last day of such calendar month. This six-month time frame may be extended by the Zoning Administrator.

(6) The owner(s) of adjacent property may voluntarily agree, by written and recorded waiver, to a higher average hourly decibel level than those allowed within this subsection.

(m) *Confidentiality and Open Records Compliance.* If an applicant submits information it believes to be a trade secret or otherwise confidential under Iowa Code Section 22.7 the applicant shall clearly identify such information at the time of submittal and provide the County with a written basis under Iowa Code Section 22.7 of why any and all information provided to the County is marked confidential. The County will treat such information in accordance with the Iowa Open Records Act, including the exemptions provided under Iowa Code Section 22.7, as amended. The County may disclose such information to staff or contracted reviewers solely for the purpose of evaluating compliance with this ordinance, subject to applicable confidentiality obligations. Notwithstanding this subsection, applicant acknowledges and understands that the County may only legally keep information confidential pursuant to Iowa Code Section 22.7.

(n) *Water Supply and Sustainability Review.* Approval for large-scale data center projects shall be conditioned on the applicant demonstrating there is sufficient reliable water supply to meet all projected water demands without undue adverse impacts on existing users, aquifers, or watersheds. To demonstrate this, the applicant must comply with the following requirements:

(1) As part of any application for rezoning, special use permit, or other discretionary land use approval for a data center, the applicant shall submit a Water Study. The purpose of this plan is to demonstrate, at a planning-level, that sufficient water resources are available to support the proposed use without causing undue adverse impacts to existing water users, groundwater resources, or surface water systems. The plan shall describe the proposed water source(s), anticipated ranges of water demand, assumptions regarding cooling technologies, efficiency measures, system reliability considerations, and general contingency approaches for water supply interruptions or emergencies. The plan shall be prepared by a qualified professional and shall contain sufficient information to allow the County, reviewing bodies, and the public to understand and evaluate the potential water impacts of the proposed use.

(2) Prior to issuance of any building permit for a data center, the applicant shall enter into a Water Use Agreement with Linn County. The purpose of the Water Use Agreement is to govern ongoing coordination between the applicant and the County regarding water use during operation of the facility. The agreement shall

address, at a minimum, water use monitoring, reporting frequency, data sharing protocols, and verification of compliance with applicable permits and approvals. The agreement may also include provisions addressing response procedures during periods of water supply constraint, drought, emergency conditions, or other circumstances in which water use reductions or operational adjustments may be necessary to protect public health, safety, or existing water users. The Water Use Agreement may include additional terms related to adaptive management, mitigation measures, and enforcement as determined appropriate by the County and Applicant. The Water Use Agreement shall also require the Applicant to demonstrate coordination with the Iowa Department of Natural Resources (IDNR) regarding applicable water use permits, interference mitigation procedures, monitoring obligations, and compliance procedures.

- (o) *Economic Development Agreement.* Prior to or contemporaneously with the rezoning to the EU-3 zoning district, the applicant of a large-scale data center shall enter into an Economic Development Agreement (“EDA”) with the County, approved by the Board of Supervisors. The purpose of the EDA is to establish ongoing cooperation between the County and the project operator, a description of any incentives that the project operator will receive (subject to the terms of the EDA), and to provide ongoing contributions that advance the County’s fiscal, infrastructure, and community goals related to hosting large-scale data center facilities. The County shall retain full reasonable discretion to determine the form, structure, and use of funds or benefits provided under any EDA. At a minimum, the agreement shall provide for the creation of a Community Betterment Fund or similar mechanism to support public infrastructure, services, environmental protection, workforce development, or other community benefits, as determined by the Board of Supervisors. Additionally, as part of the EDA, the applicant shall consider implementing a Property Value Protection Plan. The purpose of the Property Value Protection Plan is to address potential impacts to nearby residential property values associated with the development and operation of the data center. Nothing in this section shall limit the County’s authority to negotiate terms appropriate to the scale, location, and nature of a specific project, or to enter into separate agreements addressing road use, infrastructure improvements, or other matters related to the development of the large-scale data center.
- (p) *Emergency Response Plan.* The applicant shall submit an emergency response plan prior to any ground disturbance at the project site detailing the planned response actions that will be taken by facility representatives in the event of an emergency. These actions are intended to minimize health risks to personnel and people in the surrounding community, as well as minimize adverse impacts to the environment.
1. The plan shall include, but is not limited to, a detailed narrative of response procedures and the facility representatives responsible for management of the following plausible contingencies that could occur at the facility: natural disaster/severe weather, fire, security incident, capacity/transmission, environmental, chemical, pipeline (if applicable), and medical. It shall include procedures for a site evacuation, designated egress routes and emergency staging areas.

2. The plan shall include a stand-alone section detailing the emergency response protocols specific to battery energy storage areas (if applicable).
3. The plan shall be developed in coordination with local first responders, Linn County Emergency Management & Linn County Public Health personnel.
4. Notwithstanding anything in this section to the contrary, the applicant may redact confidential or proprietary information from any submission hereunder.

(q) *Notification Requirements.* To assist in providing adequate notice to interested parties, the applicant for a rezoning to the EU-3 District shall:

- (1) Within 14 days of filing the rezoning application with the planning and development department, mail a notice via first class mail to property owners and tenants within 1,000 feet of the subject site explaining the request and identifying the subject property.
- (2) Prior to the application being heard at the planning and zoning commission meeting, the applicant shall host a public informational meeting held at a location reasonably accessible to all identified property owners. Applicants must mail a notice of the public informational meeting via first class mail to property owners and tenants within 1,000 feet of the subject site.
 - a. Applicants must submit a list of the property owners and tenants contacted, a copy of the notice sent, and a notarized affidavit stipulating to the mailing to the planning and development department.

SECTION 4. SECTION MODIFIED Chapter 107, Article VII, Section 107-147-1 Use Table is hereby amended to read as follows:

Transportation and Utility Uses		STD	RR			VR	VM	USR	USR-			CNR	MH
			AG	1/2/3					MF	HC	GC		
Utilities	Utility generating plants and facilities (except wind farms, utility scale solar, gas-fired electric generating facilities, and nuclear energy generating facilities)		C							C	C	C	
	Gas-fired electric generating facilities, nuclear energy generating facilities and nuclear waste storage	See article VII, EU-2 Gas-Fired Electric Generating Facilities, Nuclear Energy Generating Facilities and Nuclear Waste Storage District											

Industrial		STD	AG	RR 1/2/3	VR	VM	USR	USR- MF	HC	GC	I	CNR	MH
Data Centers	Small-scale data center	107- 116 (e)	C							C	C		
	Large-scale data center	See article VII, EU-3 Large-Scale Data Center District											

SECTION 5. SECTION MODIFIED. Chapter 107, Article IX, Section 107-180 Definitions is hereby amended to add the following definitions:

Data center means a facility consisting of one or more buildings (whether constructed simultaneously or in separate phases) used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, servers, appliances, and other associated components related to digital data storage and operations. Data center includes commercial cryptocurrency mining operations and processing.

Small-scale data center means a data center that has an electrical design capacity of 20 MW or less, and that uses less than 50 gallons per minute of water or less on an annualized basis. For the purposes of determining compliance with power and water usage thresholds in this ordinance, all data center buildings that are part of a phased or multi-building campus shall be evaluated in the aggregate, regardless of whether such buildings are constructed simultaneously or in separate phases.

Large-scale data center means a data center that has an electrical design capacity greater than 20 MW or that uses more than 50 gallons per minute of water on an annualized basis. For the purposes of determining compliance with power and water usage thresholds in this ordinance, all data center buildings that are part of a phased or multi-building campus shall be evaluated in the aggregate, regardless of whether such buildings are constructed simultaneously or in separate phases.

Places of Public Assembly means buildings or facilities where people gather for civic, educational, religious, or cultural purposes, including, but not limited to retirement and nursing homes, schools, childcare homes and centers, group homes, hospitals, detention facilities, or human service facilities, not including facilities allowed as an accessory use to the principal use in question.

SECTION 6. REPEALER. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 7. 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 8. SAVING. The Code of Ordinances, Linn County, Iowa, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 9. EFFECTIVE DATE. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Planning & Zoning Commission on the 20TH day of JANUARY, 2026.

Public hearing and First consideration on the 4TH day of FEBRUARY, 2026.

Second consideration on the 16TH day of FEBRUARY, 2026.

Third consideration and final passage on the 18TH day of FEBRUARY, 2026.

Published in the Gazette on the 22ND day of FEBRUARY, 2026.