

MARSHALL COUNTY ZONING ADMINISTRATOR

PHONE: (641)844-2707 FAX: (641)844-2708 EMAIL: tkelley@marshallcountya.gov
1 East Main Street, Marshalltown, IA

APPLICATION FOR ZONING CERTIFICATE – MARSHALL COUNTY, IOWA

DATE: 07/14/2026 NEW 911 ADDRESS: _____ APPLICATION #: ac72c91c-1136-4ec6-
NAME: L3 Communications, LLC PHONE #: 503-718-4523 EMAIL: justin.reynolds@lumen.com
MAILING ADDRESS: 100 CenturyLink Dr, Monroe, LA 71203

Application is hereby made to the Marshall County Zoning Administrator for a Zoning Certificate in conformity with the requirements of the Zoning Ordinance of Marshall County, Iowa and any Amendments, for the following:

PARCEL #: 8318-16-200-004 LEGAL DESCRIPTION: BEG 40 RODS E OF N 1/4 COR SEC 16
CURRENT ZONING: A1

PROPERTY SIZE (DIMENSIONS OR ACRES): 2.65

OWNER OF PROPERTY & ADDRESS: RUTHERFORD, BRADLEY J 1/2 (OWNER) || RUTHERFORD, PAULA J 1/2 (OWNER)

THE UNDERSIGNED APPLICANT HEREBY APPLIES FOR A CERTIFICATE PERMITTING HIM/HER TO:
(CHECK ACTIVITY)

() VARIANCE (X) CONDITIONAL USE () ZONING CHANGE

DESCRIBE REQUEST: PURCHASE 2.12 ACRES TO ADD NEW SHELTER FOUNDATIONS, PREFABRICATED SHELTERS, FENCING, GENERATORS, AND UTILITIES AS NEEDED FOR TELECOMMUNICATIONS EXPANSION.

DESCRIBE REASON FOR PROPOSED REQUEST: Per zoning ordinance, utility structures (shelters/huts) in the A-1 District require a conditional use permit approved by the Board of Adjustment.

DESCRIPTION: PURCHASE 2.12 ACRES TO ADD NEW SHELTER FOUNDATIONS, PREFABRICATED SHELTERS, FENCING, GENERATORS, AND UTILITIES AS NEEDED FOR TELECOMMUNICATIONS EXPANSION.

PROPOSED USE: Unmanned telecommunications facility consisting of six modular fiber huts and associated generators to provide back-up power source.

PRESENT USE OF PROPERTY: vacant

Attach a "top-view" drawing or sketch, including dimensions, of the proposed construction and/or changes to an existing structure. Also attach aerial view which shows the lot dimensions or area and dimensions/acres. If applicable show "footprint" for proposed construction and the distances to adjoining property, wells, septic system and buildings.



SHOW A SKETCH OF TRACT OR LOT WITH DIMENSIONS OF PROPOSED BUILDING OR IMPROVEMENTS WITH SETBACK DISTANCES.

The undersigned owner agrees that the improvements and use of the property will be in accordance with the Marshall County Zoning Ordinances, the laws of the State of Iowa, and any local building codes, which apply to the improvements and its use. The undersigned applicant certifies under oath and under penalties of perjury that the information provided on this form is true and correct.

OWNER OR APPLICANT SIGNATURE: Signature of

William Delo

APPROVED

DENIED

ZONING ADMINISTRATOR: DATE:

Tyler H Kelley

PROJECT INFORMATION		SHEET INDEX		PREPARED BY:
SITE ADDRESS	2202 IOWA AVE W. MARSHALLTOWN, IA 50158	SHEET	SHEET TITLE	LUMEN® CANDIDATE NAME MARSHALLTOWN MRTWIA00 ADDRESS 2202 IOWA AVE W. MARSHALLTOWN, IA 50158
LAT/LONG	42.3658, -92.346483	1	COVER	
GROUND ELEVATION	899'-0"	2	WITH BACKGROUND PHOTO	
ZONING	AGRICULTURAL	3	WITHOUT BACKGROUND PHOTO	
PARCEL ID	S318-16-200-004	4	STRUCTURE PROFILE	
PROPERTY OWNER	SPARLEY & FAIRL RUTHERFORD	5	GENERATOR PROFILE	
APPLICANT	LUMEN 3625 ELIZABETH BLVD. BROOKFIELD, CO 80022	6	FENCE PROFILE	
PLANNING ENGINEER	JUSTIN REYNOLDS justin.reynolds@lumen.com			
SCOPE OF WORK				
PURCHASE 2.12 ACRES TO ADD NEW SHELTER FOUNDATIONS, PREFABRICATED SHELTERS, FENCING, GENERATORS, AND UTILITIES AS NEEDED FOR TELECOMMUNICATIONS EXPANSION.				

LUMEN®

LOCATION

2202 IOWA AVE W. MARSHALLTOWN, IA 50158

REVISION

NO.	DATE	DESCRIPTION
1	01/18/2024	ISSUED FOR PERMIT

THE APPLICANT'S LUMEN® ADDRESS OF RECORD IS 3625 ELIZABETH BLVD., BROOKFIELD, CO 80022. THIS ADDRESS IS NOT THE ADDRESS OF THE PROPERTY. THE ADDRESS OF THE PROPERTY IS 2202 IOWA AVE W., MARSHALLTOWN, IA 50158.

LUMEN®

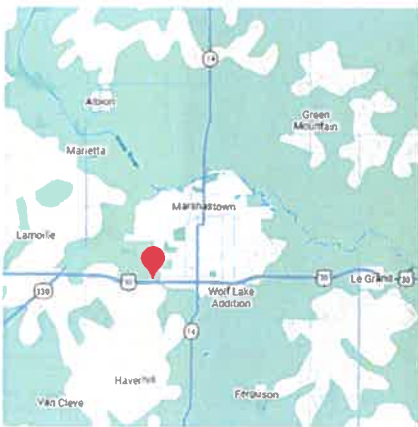
PROJECT INFORMATION

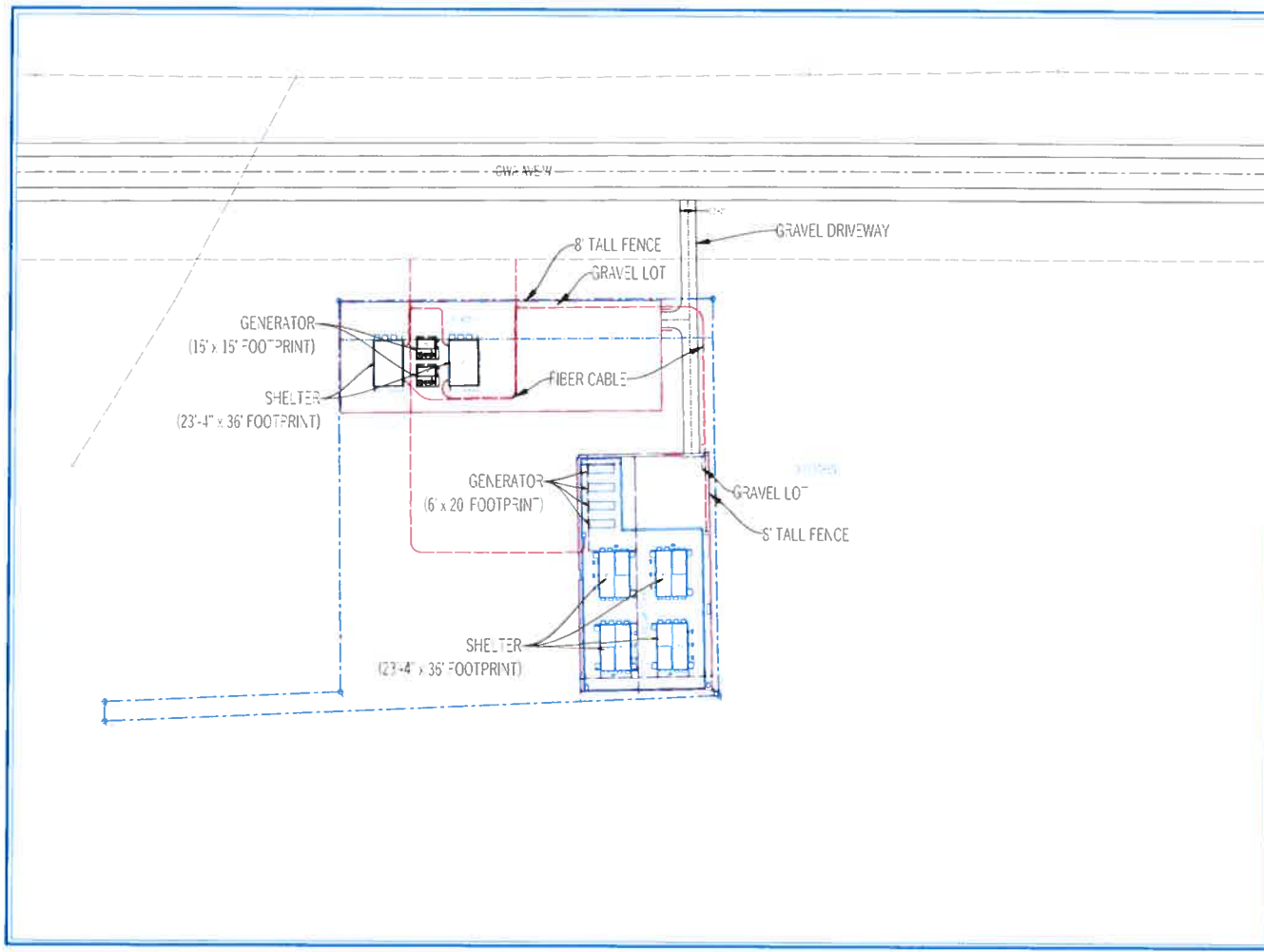
PROJECT NAME	MARSHALLTOWN
PROJECT ID	MRTWIA00
PROJECT TYPE	TELECOMMUNICATIONS
PROJECT STATUS	ISSUED FOR PERMIT
PROJECT DATE	01/18/2024

VICINITY MAP

SITE MAP

SITE PHOTO



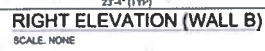


LOCATION	
C.D.	PROPERTY
PROPERTY ADDRESS	
PROPERTY MAP	

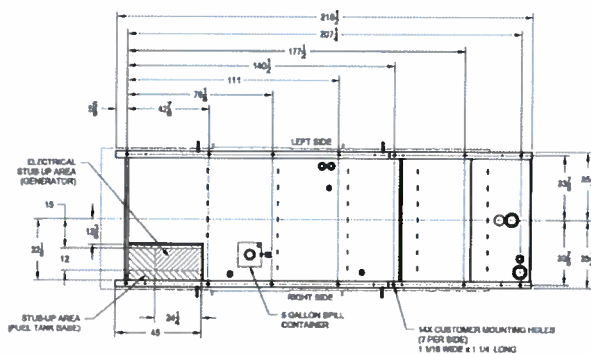
REVISION	
NO.	DESCRIPTION
1	PROPERTY MAP

THE MAPS HEREIN CONTAINED ARE A SET OF DOCUMENTS FOR THE PROPERTY AND ARE NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN PERMISSION OF LUMEN.

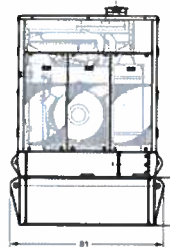
DATE	BY	APP'D

The LUMEN logo features the word "LUMEN" in a bold, sans-serif font. The letter "U" is stylized with a blue horizontal bar across its middle. Below the main title is a grid-like structure containing various mathematical symbols and equations, such as $E = mc^2$, $a^2 + b^2 = c^2$, and $\frac{d}{dx} x^n = nx^{n-1}$.

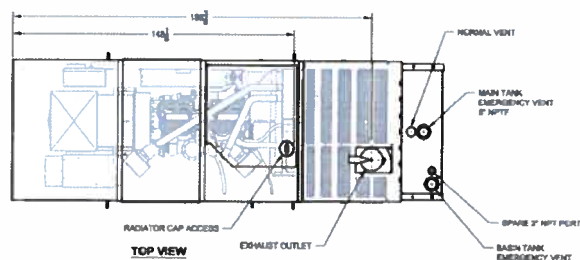
OR EQUIVALENT



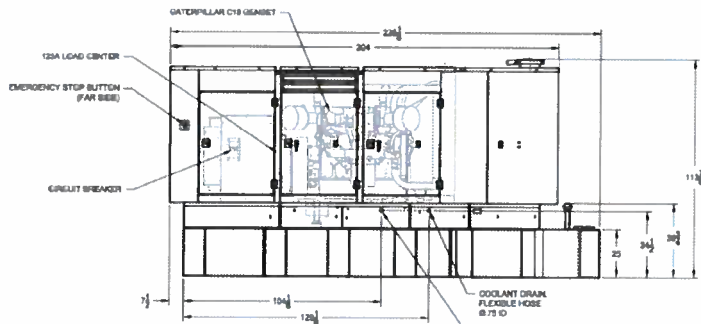
FOOTPRINT
(TOP VIEW)



REAR VIEW



TOP VIEW



RIGHT SIDE VIEW

- NOTES (UNLESS OTHERWISE SPECIFIED):
1. ALL DIMENSIONS AND TOLERANCES ARE IN INCHES.
 2. TOTAL ESTIMATED DRY WEIGHT = 17,107 LBS.

LUMEN

LOCATION

DATE

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

REVISION

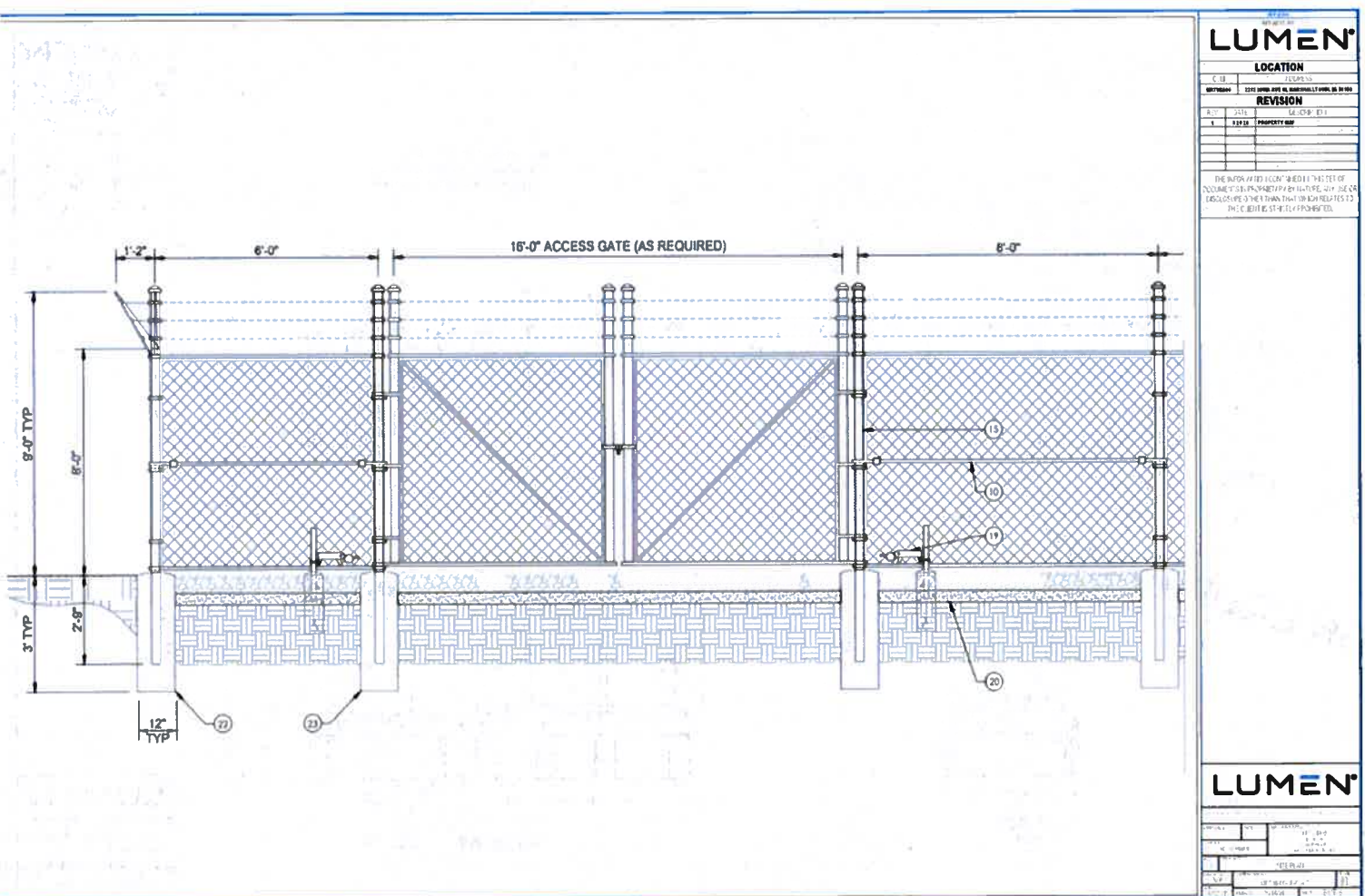
REVISION

REVISION

REVISION

REVISION

REVISION





MARSHALL COUNTY ZONING ADMINISTRATOR

1 E. Main Street, Marshalltown, Iowa 50158

Phone: (515) 844-2707

Email: Tkelley@marshallcountya.gov

October 17th, 2026

To the Marshall County Zoning Commission:

Request #2026-CUP-6039 is a request by Bill Delo, on behalf of the legal owners of the land under request which is described as:

BEG 40 RODS E OF N 1/4 COR SEC 16 THENCE S 348' E TO E LINE NW NE N 1 DEG 22 MIN 38 SEC E 348' W TO POB EX E 180' OF W 840' S OF HWY AND EX E 180' OF W 1020' OF N 300' S OF HWY AND EX A TRACT OF LAND DESC AS BEG AT S LINE OF HWY A DISTANCE 40 RODS E OF W LINE OF NW NE SEC 16 AND RUNNING THENCE S 315' W TO A PT 684.29' W OF E LINE OF SAID NW NE 348' S OF THE N LINE OF NW NE N 2 DEG 16 MIN 25 SEC E TO A PT ON THE S LINE OF HWY BEING 628.52' E OF THE W LINE NW NE THENCE E ALONG THE S LINE OF HWY TO POB

This request is to grant a Special Use Permit to add new shelter foundations, prefabricated shelters, fencing, generators, and utilities as needed for telecommunications expansion. This would be a Special Use not normally allowed under Article VI, Section 2&3 of the Marshall County Zoning Ordinance without approval from the Board of Adjustment.

A COPY OF THE PROPOSED SPECIAL USE PERMIT IS ENCLOSED.

The following are the findings of fact in the case of Request #2026-CUP-6039 by the Marshall County Planning and Zoning Administrator:

1. Pursuant to Article XVIII, Section 1, Subsection A, (1) (a) of the Marshall County Zoning Ordinance No. 3, "A Special Use Permit may be issued only after review and approval of the submitted application, including any plans, by the Board of Adjustment. An application and plan shall only be approved upon a determination that the development, if completed as proposed, will comply with the provisions of this Article."

2. Pursuant to Article XVIII, Section 1, Subsection A, (3) (a) (i-vi), of the Marshall County Zoning Ordinance No. 3, the Planning and Zoning Department finds that:

i) The Special Use Permit will be compatible with the character of the Zoning District and immediate vicinity and would not be unsightly, obnoxious or offensive in appearance to abutting or nearby properties.

ii) Granting this Special Use will not impair the transition from the proposed use and surrounding properties.

- iii) Granting this Special Use Permit will not impair the flow of traffic.
- iv) Granting this Special Use Permit will not require an increase in parking spaces or screening for parking spaces.
- v) Granting this Special Use Permit would not affect signage and lighting requirements in this Ordinance.
- vi) Granting this Special Use Permit would not increase environmental hazards.

3. Pursuant to Article XVIII, Section 1, Subsection A., (3) (b), of the Marshall County Zoning Ordinance No. 3, the Planning and Zoning Department finds that:

- i) The Special Use Permit will not endanger the health, safety and general welfare of persons residing or working in adjoining or surrounding properties, nor will
- ii) Granting this Special Use impair an adequate supply (including quality) of light and air to surrounding property, nor will
- iii) Granting this Special Use Permit increase congestion in the roads, or hazard from fire, flood or similar dangers, nor will
- iv) Granting this Special Use Permit diminish or impair established property values on adjoining or surrounding property, nor will
- v) Granting this Special Use Permit be contrary to the intent, purpose and spirit of the Zoning Ordinance or Land Use Policies.

4. It is also the opinion of the Zoning Administrator that the granting of this variance would, in no way, result in an alteration or change in the Zoning Ordinance or the District Maps.

Therefore, pursuant to Article XVIII, Section 1, Subsection A., (5) (a & b), it is the recommendation of the Marshall County Planning and Zoning Department that the Board of Adjustment grant Special Use request #2026-CUP-6039. The Zoning Administrator would also instruct the Board that all pertinent information as to the granting of Special Use Permits can be found in Article XVIII of the Marshall County Zoning Ordinance No. 3, and the Board's action should follow the procedure set forth in Article XVIII, Section 1., Subsection A., (6).

Sincerely,

Tyler Kelley
Marshall County Zoning Administrator
Sanitarian, Weed Commissioner

ARTICLE XVIII

SPECIAL USES

SECTION 1. STATEMENT OF INTENT.

Subsection A. Many land use activities, while not inherently inconsistent with other permitted uses in a particular zoning District, may have significant impacts on the surrounding area. Special Use Permits for such uses allow special conditions to be "attached" to the development to address those impacts. The Special Use Permit process provides for flexibility in identifying the special conditions without making the Ordinance unreasonably complicated. The objective of the Special Use Permit process is to encourage compatibility of the proposed development with the environment, and with existing and future land uses in the area.

(1) Issuance of a Special Use Permit.

- a. A Special Use Permit may be issued only after review and approval of the submitted application, including any plans, by the Board of Adjustment. An application and plan shall only be approved upon a determination that the development, if completed as proposed, will comply with the provisions of this Article.
- b. A Special Use Permit shall be issued in the name of the applicant (except that applications submitted by an agent shall be issued in the name of the principal), shall identify the property involved and the proposed use, and shall incorporate by reference the approved application and plan. The permit shall contain any special conditions or requirements lawfully imposed by the Board of Adjustment. The Zoning Administrator shall cause the permit to be recorded by the applicant, or their agent, with the County Recorder and shall have a copy of the recorded permit on file in the Zoning Office.
- c. All development shall occur strictly in accordance with such approved application and plan.

(2) Application for Special Use Permits.

- a. The applicant for a Special Use Permit must be a person with the legal authority to take action in accordance with the permit. In general, this means that applications should be made by the owners or lessees of the subject property or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits, or their agents. Any application submitted for consideration by the Board of Adjustment must be signed by the title holder or it can not be accepted.
- b. The application must be submitted on an approved form and must be complete. An application shall be complete when it contains all of the information that is necessary for the Board of Adjustment to decide whether the development, if completed as proposed, will comply with all of the requirements of this Article. Unless the Board informs the applicant at the hearing in what way the application is incomplete, the application shall be presumed to be complete. If incomplete, the Board shall offer the applicant the opportunity to complete the application at a continuation hearing.
- c. To minimize planning costs to the developer, avoid misunderstandings or misinterpretations, and to ensure compliance with the requirements of this Article, a pre-application conference between the developer and the planning staff is encouraged.
- d. Upon receiving an application requesting approval of a Special Use Permit, notice of hearing by the Board of Adjustment shall be given to all property owners within seven hundred fifty (750) feet of the boundary of the property on which the special use is to be located by placing a notice in the United States

mail at least ten (10) days prior to the hearing. Notice shall contain the time and location of said hearing.

(3) Standards for Approval.

- a. The Board shall review the proposed development for conformance to the following development criteria:
 - i. **Compatibility.** The proposed buildings or use shall be constructed, arranged and operated so as to be compatible with the character of the Zoning District and immediate vicinity, and not to interfere with the development and use of adjacent property in accordance with the applicable District regulations. The proposed development shall not be unsightly, obnoxious or offensive in appearance to abutting or nearby properties.
 - ii. **Transition.** The development shall provide for a suitable transition, and if necessary, buffer between the proposed buildings or use and surrounding properties.
 - iii. **Traffic.** The development shall provide for adequate ingress and egress, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control and emergency access.
 - iv. **Parking and Loading.** The development shall provide all off-street parking and loading areas as required by this Ordinance, and adequate service entrances and areas. Appropriated screening shall be provided around parking and service areas to minimize visual impacts, glare from headlights, noise, fumes or other detrimental impacts.
 - v. **Signs and Lighting.** Permitted signage shall be in accordance with the applicable District regulations and shall be compatible with the immediate vicinity. Exterior lighting, if provided, shall be with consideration given to glare, traffic safety and compatibility with property in the immediate vicinity.
 - vi. **Environmental Protection.** The development shall be planned and operated in such a manner that will safeguard environmental and visual resources. The development shall not generate excessive noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds.
- b. If the Board concludes that all development criteria will be met by the development, it shall approve the application and plans unless it concludes, based on the information submitted at the hearing, that if completed as proposed there is a strong probability the development will:
 - i. Not adequately safeguard the health, safety and general welfare of persons residing or working in adjoining or surrounding property, or
 - ii. Impair an adequate supply (including quality) of light and air to surrounding property, or
 - iii. Unduly increase congestion in the roads, or hazard from fire, flood or similar dangers, or
 - iv. Diminish or impair established property values on adjoining or surrounding property, or
 - v. Not be in accord with the intent, purpose and spirit of the Zoning Ordinance or Land Use Policies.

(3.10) Supplemental Standards for Conditional Uses

(3.11) Communication Towers and Facilities. Communication towers/facilities existing and/or approved prior to the date of adoption of these standards may continue to be used, however, proposed modifications must be reviewed by the Administrator, and, depending on the nature of the proposed modifications, may be subject to review and approval by the Board of Adjustment.

- A. Co-Location.** Prior to applying for a Special Use Permit for construction of a new tower/facility, the applicant shall exhaust all alternatives for co-location on

existing towers/facilities. As such, the applicant shall submit evidence demonstrating the following:

1. The planned equipment would exceed the structural capacity of the existing or approved antenna support structure, as documented by a qualified professional engineer licensed in the State of Iowa, and the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost.
2. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the antenna support structure as documented by a qualified engineer and the interference cannot be prevented at a reasonable cost.
3. Existing or approved antenna support structures cannot accommodate the planned equipment at the necessary height as documented by a professional engineer licensed in the State of Iowa.
4. Fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower/facility development are presumed to be unreasonable.
5. Frequency coverage maps demonstrate increased coverage due to the lack of any other nearby structure.
6. No new tower/facility shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Board of Adjustment that no existing tower, structure, or alternative technology can accommodate the applicant's needs. Furthermore, no new tower/facility shall be approved that is not in compliance with all standards for approval set forth in Article XVIII, Section 1, Subsection A, (3) and those contained herein.

B. Separation. The following separation requirements shall apply to all proposed communication towers and facilities.

1. Separation from residential zoning districts or existing residential properties. Proposed towers/facilities shall be separated from neighboring properties either zoned or utilized for residential purposes as established herein. The minimum separation distance shall be measured from the center of the foundation of the proposed tower/facility to the nearest portion of a property line of a neighboring tax parcel used or zoned for residential purposes. For the purposes of this section, a property shall be considered to be used for a residential purpose, regardless of assessment type, if a dwelling or mobile home exists on the property. A property shall be considered to be zoned for residential purposes if it lies within a Residential (R-1), Residential (R-2), or Residential (R3) zoning district.
 - a. For towers/facilities of self-supporting monopole or lattice-type construction, the minimum separation distance shall be three hundred (300) feet or one hundred fifty (150%) percent of the height of the tower, whichever is greater.
 - b. For guyed towers/facilities the minimum separation distance shall be three hundred (300) feet or one hundred fifty (150%) percent of the height of the tower, whichever is greater, plus one hundred (100%) percent of the length of the longest supporting guy wire.

C. Height. The applicant must demonstrate the proposed height of the tower/facility is the minimum necessary to accommodate the proposal's requirements, as documented by a qualified engineer.

D. Required Setbacks. The center foundation of all towers/facilities are required to be setback in accordance with the following:

1. From any public right-of-way, the following apply:
 - a. for towers of monopole and lattice-type construction, a distance equal to one hundred fifty (150%) percent the height of the tower or two hundred (200) feet, whichever is greater; and for towers of guyed-type construction, a distance equal to one hundred fifty

(150%) percent the height of the tower plus the length of guyed wire or two hundred (200) feet, whichever is greater.

- b. from any adjoining property zoned for, or existing in residential use, the distance of three hundred (300) feet or one hundred fifty (150%) percent of the height of the tower/facility for towers of lattice or monopole construction type; and three hundred (300) or one hundred fifty (150%) percent of the height of the tower/facility plus one hundred (100%) percent of the length of the longest supporting guy wire for towers of guyed type construction as measured the center foundation of the tower/facility to the nearest property line.
- c. from other property lines, a distance equal to at least fifty (50%) percent of the height of the tower/facility.
- d. Guys and accessory buildings must satisfy the minimum zoning district setback requirements for accessory buildings within the lease area.

E. Fencing and Screening.

1. **Security Fencing.** Towers/facilities shall be enclosed by fencing not less than six (6) feet in height and shall be equipped with appropriate anti-climbing devices.
2. **Screening.** The lowest six (6) feet of the tower/facility shall be visually screened by trees, large shrubs, solid walls, buildings, solid fencing, and/or any combination thereof, from all public right-of-ways and adjoining zoned, planned, and/or existing residential land uses.

F. Aesthetics. Towers/facilities shall meet the following general requirements.

1. **Color.** Towers/facilities shall maintain a galvanized steel finish. If required to be painted by the FAA, such required colored schemes must be submitted to the Board of Adjustment. All mandated FAA requirements must be provided in writing to the Board of Adjustment prior to any action on applications.
2. **Lighting.** Towers/facilities, including antennas, shall not be artificially lighted unless required by the FAA or applicable authority. Unless required as the only option by the FAA, strobe lighting is not permitted. If lighting is required, lighting alternatives and design chosen must cause the least disturbance to the surrounding views. All mandated FAA requirements must be provided in writing to the Board of Adjustment prior to any action on applications.
3. **Signs.** No signs shall be allowed on any tower/facility, other than safety or warning signs. If any signage is required consistent with this standard, such signage must comply with the requirements of Article XV.

G. General requirements.

1. The proposed tower/facility must comply with all other applicable local, state or federal regulations.
2. The proposed tower/facility will not unreasonably interfere with the view from any publicly-owned or managed areas. A Tower Site Evaluation Form will be completed for the property, and, if, at the determination of the Marshall County Conservation Board, view sheds are impacted to an unnecessary level as a result of a tower/facility, the Board of Adjustment will strongly consider such opinion in review and action on the application.

H. Removal of Abandoned Towers/Facilities. The owner of the tower/facility, with written authorization from the property owner, shall file annually a declaration with the Marshall County Planning and Zoning Department as to the continuing operation of every tower/facility installed subject to these regulations. Failure to do so may be construed to mean that the facility is no longer in use and may be considered abandoned subject to the provisions for removal. The owner of the tower/facility and property owner will be notified that the property is considered to be in a state of abandonment, and such person(s) shall remove the tower/facility, foundational supports, and associated appurtenances within ninety (90) days of receipt of notice from

Marshall County at the owner's expense. Adequate removal shall include the restoration of the site to a state in keeping with the character of the surrounding landscape and the elimination of all ground-level paving. Failure to remove such an abandoned tower/facility within said ninety (90) days shall be grounds to issue a Notice of Violation in accordance with the requirements of this Ordinance and undertake enforcement action upon the tower/facility owner and property owner.

1. Any person, firm or corporation not in compliance with these regulations may be deemed guilty of a County infraction.

I. Submittal Requirements. In addition to the submittal requirements defined for Conditional Use Permit applications, all applications for towers/facilities must submit the following information (as applicable). All plans shall be drawn at a scale of one (1) inch equals fifty (50) feet.

1. A scaled site plan clearly indicating the location, type and height of the proposed tower/facility, existing land uses, adjacent land uses and zoning classification for all properties within five hundred (500) feet.
2. Legal description of the parent parcel and leased parcel (if applicable).
3. The separation distance between the proposed tower/facility and nearest residentially zoned district and/or existing residential property.
4. The separation distance from other existing and approved towers. The applicant shall also identify the type of construction of the existing tower(s) and owner/operators of such facilities.
5. A landscape plan showing specific landscape materials, existing and those proposed, identifying type and size of materials.
6. Written statements from other applicable jurisdictions such as the FAA regarding coloring and potential lighting requirements. In addition, a copy of the FAA's response to the submitted "Notice of Proposed Construction or Alteration" must be submitted.
7. A statement by the applicant as to whether construction of the tower/facility will accommodate co-location of additional antennas for future users and documentation regarding the standards for co-location established in this Ordinance.
8. Identification of all other tower/facility sites owned and/or operated by the applicant within Marshall County.
9. Elevations showing all facades, indicating exterior materials and color of the tower/facility on the proposed site.
10. Copy of the signed lease agreement with the property owner.
11. Submittal of search rings established for the proposed communication tower and affidavit that the applicant made diligent, but unsuccessful efforts for permission to install or collocate the applicant's wireless communications facilities on all existing towers or other antenna support structures located within an area equal to one hundred percent (100%) of the search ring for the proposed site of the wireless communications facility.

J. Issuance of Zoning Permits. If approved by the Board of Adjustment, an Application for Zoning/Building Permit and required submittal materials may be submitted for review and approval to the Planning and Zoning Office at such time that the thirty-day (30) appeal period for all Board of Adjustment decisions has expired. All applications will be reviewed for completeness and conformance to zoning requirements. Preliminary Zoning/Building Permits will be issued in accordance with the provisions of this Ordinance.

(3.12) Commercial C-WECS (C-WECS). The requirements of this Ordinance shall apply to all C-WECS proposed after the effective date of this Ordinance. C-WECS for which a required permit has been properly issued prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance; provided, that any such pre-existing C-WECS, which does not provide energy for a continuous period of twelve (12) months, shall meet the requirements of this Ordinance prior to recommencing production of energy. Also, no modification or alteration to an existing C-WECS shall be allowed without full compliance with this Ordinance.

A. General Requirements for C-WECS

1. **Color and Finish.** Wind Turbines shall be painted a non-reflective color. Blades may be black in order to facilitate de-icing. Finishes shall be matte or non-reflective. At C-WECS sites, the design of the buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the C-WECS to the natural setting and existing environment.
2. Exceptions may be made for meteorological towers, where concerns exist relative to aerial spray applicators.
3. **Tower configuration.** All wind turbines, which are part of a commercial WECS, shall be installed with a tubular, monopole type tower. Meteorological towers may be guyed.
4. **Lighting.** C-WECS sites shall not be artificially lighted, except to the extent required by the FAA or other applicable authority. Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by Federal Aviation Administration permits and regulations. Red strobe lights are preferred for night-time illumination to reduce impacts on migrating birds. Red pulsating incandescent lights should be avoided. Exceptions may be made for meteorological towers, where concerns exist relative to aerial spray applicators.
5. **Signage.** All signage on site shall comply with Article XV, of the Marshall County Zoning Ordinance. The manufacturer's or owner's company name and/or logo may be placed upon the compartment containing the electrical generator, of the WECS. Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the C-WECS sites.
6. **Feeder Lines.** All communications and feeder lines, equal to or less than 34.5kV in capacity, installed as part of a WECS shall be buried.
7. **Waste Disposal.** Solid and hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site and disposed of in accordance with all applicable local, state and federal regulations.
8. **Minimum Ground Clearance.** The blade tip of any Wind Turbine shall, at its lowest point, have ground clearance of no less than seventy-five (75) feet.
9. **Signal Interference.** The applicant shall minimize and mitigate any interference with electromagnetic communications, such as radio, telephone or television signals caused by any C-WECS.
10. **Federal Aviation Administration.** All WECS shall comply with FAA standards and permits.
11. **Electrical Codes and Standards.** All WECS and accessory equipment and facilities shall comply with the National Electrical Code and other applicable standards.
12. **Setbacks.** The following setbacks and separation requirements shall apply to all wind turbines.
 - a. **Inhabited Structures.** Each wind turbine shall be set back from the nearest residence, school, hospital, church or public library, a distance no less than the greater of (a) two (2) times its total height or (b) one thousand (1,000) feet.
 - b. **Property Lines.** At no time shall any part of the turbine overhang an adjoining property without securing appropriate easements from adjoining property owners.
 - c. **Public Roads.** Setbacks from public road right-of-way, railroad right-of way, powerlines and structures or any easement thereto shall be a minimum of 1.1 times the height of the tower and rotor.
 - d. **Communication and Electrical Lines.** Each wind turbine shall be set back from the nearest above-ground public electric power line or telephone line a distance no less than 1.1 times its total height, determined from the existing power line or telephone line.

13. **Noise.** Audible noise due to C-WECS sites operations shall not exceed sixty (60) dBA for any period of time, when measured at any residence, school, hospital, church or public library existing on the date of approval of any special use permit from the property line.
- a. In the event audible noise due to C-WECS operations contains a steady pure tone, such as a whine, screech, or hum, the standards for audible noise set forth in subparagraph 13 of this subsection shall be reduced by five (5) dBA.
 - b. In the event the ambient noise level (exclusive of the development in question) exceeds the applicable standard given above, the applicable standard shall be adjusted so as to equal the ambient noise level. The ambient noise level shall be expressed in terms of the highest whole number sound pressure level in dBA, which is succeeded for more than five (5) minutes per hour. Ambient noise levels shall be measured at the exterior of potentially affected existing residences, schools, hospitals, churches and public libraries. Ambient noise level measurement techniques shall employ all practical means of reducing the effect of wind generated noise at the microphone. Ambient noise level measurements may be performed when wind velocities at the proposed project site are sufficient to allow wind turbine operation, provided that the wind velocity does not exceed thirty (30) mph at the ambient noise measurement location.
 - c. In the event the noise levels resulting from the C-WECS exceed the criteria listed above, a waiver to said levels may be granted by the Board of Adjustment provided that the following has been accomplished:
 - i. Written consent from the affected property owners has been obtained stating that they are aware of the C-WECS and the noise limitations imposed by this Ordinance, and that consent is granted to allow noise levels to exceed the maximum limits otherwise allowed; and
 - ii. If the applicant wishes the waiver to apply to succeeding owners of the property, a permanent noise impact easement shall be recorded in the Office of the Marshall County Recorder which describes the burdened properties and which advises all subsequent owners of the burdened property that noise levels in excess of those permitted by this Ordinance may exist on or at the burdened property.
14. **Aesthetic Impacts**
- a. The proposed C-WECS will not unreasonably interfere with the view from any publicly-owned or managed areas. A Tower Site Evaluation Form will be completed for the property, and, if, at the determination of the Marshall County Conservation Board, view sheds are impacted to an unnecessary level as a result of a C-WECS, the Board of Adjustment will strongly consider such opinion in review and action on the application.
15. **Safety.**
- a. All wiring between Wind Turbines and the C-WECS substation shall be underground. If the developer can demonstrate the need for an overhead line and the acceptance of landowners for this line, such option may be approved as a condition of the special use permit by the Board of Adjustment.
 - b. Wind Turbine towers shall not be climbable up to 15 feet above ground level.
 - c. All access doors to Wind Turbine towers and electrical equipment shall be locked when not being serviced.
 - d. Appropriate warning signage shall be placed on Wind Turbine towers, electrical equipment, and C-WECS entrances.

- e. For all WECS, the manufacturer's engineer or another qualified engineer shall certify that the turbine, foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.
 - f. For all guyed towers, visible and reflective objects, such as plastic sleeves, reflectors or tape, shall be placed on the guy wire anchor points and along the outer and innermost guy wires up to a height of 8 feet above the ground. Visible fencing shall be installed around anchor points of guy wires.
- 16. Discontinuation and De-commissioning.** A WECS shall be considered a discontinued use after one (1) year without energy production, unless a plan is developed and submitted to the Director outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities shall be removed to four (4) feet below ground level within one hundred eighty (180) days of the discontinuation of use. Each Commercial WECS shall have a De-commissioning plan outlining the anticipated means and cost of removing WECS at the end of their serviceable life or upon becoming a discontinued use. The cost estimates shall be made by a professional engineer licensed in the State of Iowa. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the WECS and accessory facilities. The County reserves the right to verify that adequate decommissioning terms are contained in the landowner easement.
- 17. Avoidance and Mitigation of Damages to Public Infrastructure.**
- a. **Roads.** Applicants shall identify all roads to be used for the purpose of transporting WECS, substation parts, cement, and/or equipment for construction, operation or maintenance of the WECS and obtain applicable weight and size permits from the impacted road authority(ies) prior to construction.
 - b. Applicant shall conduct a pre-construction survey, in coordination with the impacted local road authority(ies) to determine existing road conditions. The survey shall include photographs and a written agreement to document the condition of the public facility.
 - c. **Drainage System.** The Applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation or maintenance of the WECS.
 - d. The applicant shall be responsible for restoring or paying damages as agreed to by the applicable road authority(ies) sufficient to restore the road(s) and bridges to preconstruction conditions. Financial security in a manner approved by the Marshall County Attorney's Office shall be submitted covering 130% the costs of all required improvements. This requirement may be waived by the Board of Adjustment by recommendation from the Marshall County Engineer.
- 18. Submittal Requirements.** In addition to the submittal requirements defined for Special Use Permit applications, all applications for Commercial WECS must submit the following information (as applicable).
- a. The names of project applicant
 - b. The name of the project owner
 - c. The legal description and address of the project.
 - d. A description of the project including: Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid.
 - e. Site layout, including the location of property lines, wind turbines, electrical wires, interconnection points with the

- electrical grid, and all related accessory structures. The site layout shall include distances and be drawn to scale.
- f. Engineer's certification(s) as required in these supplemental standards.
- g. Documentation of land ownership or legal control of the property
- h. The latitude and longitude of individual wind turbines.
- i. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other WECS within 10 rotor diameters of the proposed WECS.
- j. Location of wetlands, scenic, and natural areas [including bluffs] within 1,320 feet of the proposed WECS.
- k. An Acoustical analysis
- l. FAA Permit Application
- m. Location of all known communications towers/facilities within 2 miles of the proposed WECS.
- n. Decommissioning Plan
- o. Description of potential impacts on nearby WECS and wind resources on adjacent properties.
- p. Identification of significant migratory patterns and nesting areas for birds in the vicinity.

(4) Burden of Persuasion.

- a. The burden of persuasion as to whether the development, if completed as proposed, will comply with the requirements of this Article is at all times on the applicant.
- b. The burden of presenting evidence to the Board sufficient enough for it to conclude that the application does not comply with the requirements of this Article is upon the person or persons recommending such a conclusion, unless the information provided by the applicant warrants such a conclusion.

(5) Recommendations on Applications.

- a. Before being presented to the Board of Adjustment, an application for a Special Use Permit shall be referred to the Zoning Administrator for a recommendation. The Zoning Administrator, or the Zoning Department staff, shall prepare a report setting forth findings concerning the application's conformance to this Article, and any recommendations for requirements or conditions to be imposed on the proposed development by the Board of Adjustment.
- b. The Zoning Department's report shall be submitted along with the application and any other pertinent data to the Board of Adjustment prior to the hearing date for their review.

(6) Board of Adjustment Action on Applications.

- a. In considering whether to approve an application for a Special Use Permit, the Board shall proceed according to the following format:
 - i. The Board shall establish a finding of facts based upon information contained in the application, the staff report and any information obtained at the public hearing.
 - ii. The Board shall consider such reasonable requirements or conditions to the permit as will ensure the development will satisfy the requirements of this Article. A vote may be taken on such conditions before consideration of whether the permit should be approved or denied for any of the reasons set forth in **Subsection A., (6) (a) (iii)** or **Subsection A., (6) (a) (iv)** of this Article.
 - iii. The Board shall consider whether the application complies with all of the applicable development criteria set forth in **Subsection A., (3) (a)**. Separate votes may be taken with respect to each criterion. If the Board

concludes that the application fails to meet one or more of the criteria, the application shall be denied.

- iv. If the Board concludes that such criteria have been met, the application shall be approved unless it adopts a motion that the application fails to meet any of the approval standards set forth in **Subsection A., (3) (b)**. Separate votes may be taken with respect to each standard.
- b. Any such motion regarding compliance or non-compliance of the application to the development criteria or approval standards shall specify the supporting reasons for the motion. It shall be presumed the application complies with all criteria and standards not specifically found to be unsatisfied.
- c. Without limiting the foregoing, the Board may attach to the permit a condition limiting the duration of the permit.
- d. All conditions and requirements shall be entered on the permit.

(7) Expiration of Special Use Permits.

- a. A Special Use Permit shall expire automatically if 1) within five years after issuance, substantial action has not been taken to accomplish the purpose of the permit, or 2) after substantial action has been taken and subsequently such work is discontinued for a period of one (1) year, the permit shall immediately expire, or 3) if the special use has been established and subsequently is discontinued for a period of one (1) year, the permit shall immediately expire.
- b. The Board may extend for a period up to one (1) year the date when a permit would otherwise expire pursuant to **(7) (a)** if it concludes that 1) the permit has not expired, or 2) the permit recipient has proceeded in good faith and with due diligence, or 3) conditions have not changed so substantially as to warrant a new application. Successive extensions may be granted for periods up to one (1) year upon the same findings. All such extensions may be granted without resort to the formal processes and fees required for the original permit.
- c. For purposes of this Article, the Special Use Permit is issued when the Board votes to approve the application and plans. Substantial action shall include commencement of construction, erection, alteration, demolition or similar work required for the development authorized by the permit. With respect to phased development, this shall apply only to the first phase.

(8) Effect of Permit on Successors and Assigns.

- a. A Special Use Permit authorizes the permit holder the use of the land or structures in a particular way and subject to certain conditions. As such, it is transferable. However, no person, (including successors or assigns of the original permit holder) may make use of the land or structures covered under such permit except in accordance with all terms and requirements of the permit, so long as the permit remains in effect.

(9) Amendments and Modifications.

- a. Insignificant modifications to the approved permit are permissible upon authorization by the Administrator. A modification is insignificant if it has no discernible impact on neighboring properties, the general public or those intended to occupy the proposed development.
- b. Minor modifications to the approved permit are permissible with the approval of the Board of Adjustment. Such permission may be obtained without a formal application, public hearing or payment of fees. A modification is minor if it has no substantial impact on neighboring properties, the general public or those intended to use or occupy the proposed development.
- c. All other requests for modifications to the approved permit will be processed as new applications. New conditions may be imposed by the Board of Adjustment, but the applicant retains the right to reject such new conditions by withdrawing the request for modifications and proceeding under the terms and conditions of the original permit.

- d. The permit holder requesting approval of modifications shall submit a written request (including plans as necessary) for such approval to the Administrator, and the request shall specifically identify the modifications. The Administrator shall determine whether the proposed modification falls within the categories set forth above in parts (a), (b), and (c).
 - i. Approval of all modifications must be given in writing.

(10) Violations.

- a. Violations of any terms of the Special Use Permit shall be deemed a violation of this Ordinance and punishable under Article XXI of this Ordinance. In addition, Special Use Permits, in connection with which a violation occurs, shall be subject to revocation by the Board of Adjustment after holding a public hearing on the alleged violation.
- b. Violations of any conditions and safeguards, when made a part of the terms of a Special Use Permit granted under this Article, shall be deemed a violation of this Ordinance and shall be subject to the same procedures outlined in **(10) (a)**.
- c. A violation shall be deemed to have occurred when the permit holder fails to comply with any of the terms, conditions or safeguards of the permit, or allows the terms, conditions or safeguards of the permit to be violated.

(11) Fees.

- a. There shall be a fee of \$200.00 for a Special Use Permit.

ARTICLE XI HEAVY INDUSTRIAL DISTRICT "C-2"

SECTION 1. STATEMENT OF INTENT. This District is intended and designed to accommodate uses of a heavy industrial nature. The purpose of this District is to permit the normal operation of industry subject to regulation of those nuisance factors which may be detrimental to adjacent properties. This District should be located only in sound industrial locations with direct access to highways and other needed transportation facilities and utilities. No residences shall be permitted in this District. No commercial uses are permitted except those incidental to the permitted uses.

SECTION 2. PERMITTED USES.

Subsection A. Only the use of structures and/or land listed in this Section shall be permitted in the C-2 District.

- (1) Any industrial use, process or treatment whatsoever, including sale at wholesale, storage, sale at retail of products manufactured or processed on the premises, repair, rental and servicing of any commodity.
- (2) Acid manufacture and other chemical manufacturing processing.
- (3) Bulk plants including storage of petroleum products.
- (4) Cement, hydrated lime, gypsum and other similar materials manufacture.
- (5) Distillation of bones.
- (6) Explosive manufacture and storage.
- (7) Public sewage disposal and treatment plants.
- (8) Starch manufacture.
- (9) Concrete mixing, concrete products manufacture.
- (10) Fat rendering, fertilizer or glue manufacture.
- (11) Garbage, offal or dead animal reduction.
- (12) Grain elevators and/or feed mills.
- (13) Petroleum or its products, refining or wholesale storage of, and asphalt plants.
- (14) Salvage and/or junkyards, including auto wrecking and salvage, used parts sales and junk, iron, rags or paper storage or baling. No part of the front yard is to be used for the conduct of business in any manner except for parking of customer or employee vehicles. Any premises on which such activities are conducted shall be wholly enclosed with a building or by a wall or fence, reasonably maintained, not less than six (6) feet in height, and in which the cracks are less than fifteen (15) percent of the area.

(15) Slaughter houses, meat-packing and processing plants and stockyards.

(16) Hide trading.

(17) Other similar uses.

SECTION 3. LOT AREA, FRONTAGE AND YARD REQUIREMENTS. The following minimum requirements shall be observed in the "C-2" District:

<u>Use</u>	<u>Lot Area</u>	<u>Frontage/ Lot Width</u>	<u>Lot Area per Family</u>
All uses	No minimum	No minimum	No minimum
All other permitted uses	No minimum	No minimum	No minimum

SET-BACK REQUIREMENTS

<u>Use</u>	<u>Front</u>	<u>Side</u>	<u>Flag</u>	<u>Rear</u>
All uses	35 ft.	No minimum**	20 ft.	20 ft.
All other permitted uses	35 ft.	No minimum**	20 ft.	2 ft.*

* 5 ft. from alley lines.

**except when adjoining any residential district or use, in which case fifteen (20) feet shall be required

SECTION 4. OFF-STREET PARKING AND LOADING. Space for off-street parking and loading shall be provided in accordance with the provisions herein.

SECTION 5. SITE PLANS. Site plan requirements shall be in accordance with Article XVI.

SECTION 6. REQUIRED CONDITIONS. No use shall be permitted to be established or maintained which by reason of its nature or manner of operation is or may become hazardous, obnoxious or offensive owing to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibrations, refuse matter or water-carried waste. All facilities required for the discharge, collection and treatment of liquid, solid or gaseous waste shall be designed, constructed and operated in accordance with all statutes and regulations of the State of Iowa.

SECTION 7. PROHIBITED USES. The following uses are prohibited in this district:

Subsection A. Adult book stores, adult motels, adult movie arcades/theaters, friendship clubs, dating clubs or services, escort services, nude modeling studios, establishments for nude encounter sessions, massage parlors or any other business oriented toward titillation or gratification of sexual feelings or desires of patrons.

Subsection B. Junkyards and junk cars not stored in a building or permanent structure as described previously in this Article.

Subsection C. Animals and livestock except as previously allowed in this Article.

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF MARSHALLTOWN, IOWA,
CHAPTER 156: ZONING, RELATING TO DATA CENTERS AND DEVELOPMENT REVIEW**

WHEREAS, the City Council of the City of Marshalltown, Iowa, has adopted Chapter 156, Zoning; and

WHEREAS, data centers constitute an emerging land use that may vary substantially in building size, electrical demand, water demand, infrastructure requirements, and potential effects on surrounding properties and public infrastructure; and

WHEREAS, the City Council finds it appropriate to regulate data centers according to the scale, intensity, physical characteristics, infrastructure requirements, and effects of the proposed development; and

WHEREAS, the City Council further finds that regional-scale and infrastructure-intensive mixed-use and nonresidential developments warrant coordinated public review of site design, infrastructure, compatibility, public services, phasing, and mitigation; and

WHEREAS, the City Council finds the following amendments to Chapter 156 to be in the best interest of the City and the public in general.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA:

Section 1. Amendment. The following definitions are added alphabetically to § 156.M.003:

COMMON OR RELATED OWNERSHIP, CONTROL, OPERATION, OR DEVELOPMENT. Two or more parcels, lots, uses, structures, businesses, or development activities shall be considered under common or related ownership, control, operation, or development when they:

- (1) Are owned wholly or partially by the same person, partnership, corporation, limited liability company, trust, or other legal entity;
- (2) Are owned by separate entities having one or more common owners, members, shareholders, partners, officers, directors, managers, trustees, or beneficiaries;
- (3) Are managed, controlled, or operated by the same person or entity;
- (4) Function as part of a unified business operation, development project, or site plan; or

(5) Are developed, constructed, marketed, financed, or approved pursuant to a common plan of development or coordinated development scheme.

The existence of separate deeds, legal descriptions, lot lines, leases, tenants, or business entities shall not, by themselves, preclude a finding of common or related ownership, control, operation, or development. Separate ownership, management, financing, or organizational relationships shall establish common or related ownership, control, operation, or development only when the relationship is material to the ownership, control, operation, financing, approval, construction, or coordinated development of the properties or activities at issue.

DATA CENTER. A facility consisting of one or more buildings used primarily for the storage, management, processing, or transmission of digital data and containing computer or network equipment, systems, servers, appliances, or other associated components related to digital data storage and operations. The term includes commercial cryptocurrency mining operations and associated processing facilities.

DATA CENTER BUILDING. A building, or portion of a building, containing computer or network equipment, systems, servers, appliances, or other associated components used primarily for the storage, management, processing, or transmission of digital data.

DATA CENTER DEVELOPMENT. One or more Data Center Buildings and associated infrastructure located on a single site or on contiguous or functionally related parcels under common or related ownership, control, operation, or development, including buildings or infrastructure constructed or proposed to be constructed in phases.

DEVELOPMENT SCALE, COMMUNITY. A Mixed-Use or Nonresidential Development containing, or anticipated to contain upon ultimate buildout, more than 30,000 square feet but not more than 60,000 square feet of aggregate Gross Floor Area.

DEVELOPMENT SCALE, NEIGHBORHOOD. A Mixed-Use or Nonresidential Development containing, or anticipated to contain upon ultimate buildout, 30,000 square feet or less of aggregate Gross Floor Area.

DEVELOPMENT SCALE, REGIONAL. A Mixed-Use or Nonresidential Development containing, or anticipated to contain upon ultimate buildout, more than 60,000 square feet of aggregate Gross Floor Area.

ELECTRICAL DEMAND. The maximum anticipated simultaneous demand for electrical power necessary to operate a Development at anticipated ultimate buildout, expressed in megawatts (MW), regardless of whether the power is supplied by a public utility, private utility, on-site generation, or another source. On-site generation or energy storage shall not be deducted in determining Electrical Demand.

INFRASTRUCTURE-INTENSIVE DEVELOPMENT. A Mixed-Use or Nonresidential Development for which one or more of the following applies:

- (1) Electrical Demand exceeds 25 megawatts;
- (2) Non-Domestic Water Demand exceeds 75,000 gallons per day; or
- (3) Vehicle Trip Generation exceeds 500 annual average daily Vehicle Trips or 100 Vehicle Trips during a peak hour.

MIXED-USE OR NONRESIDENTIAL DEVELOPMENT. A Development containing one or more principal uses other than Household Living or Group Living, whether or not the Development also contains a residential use. An accessory nonresidential use that is incidental and subordinate to a residential principal use does not, by itself, constitute Mixed-Use or Nonresidential Development.

VEHICLE TRIP. A one-way movement of a vehicle entering or leaving a Development.

VEHICLE TRIP GENERATION. The anticipated number of Vehicle Trips generated by a Development at anticipated ultimate buildout, measured as: (1) the average daily number of Vehicle Trips over a calendar year; and (2) the number of Vehicle Trips during the highest-volume peak hour. A motor vehicle entering or leaving the Development constitutes one Vehicle Trip. Vehicle Trip Generation shall be determined using the current edition of the Institute of Transportation Engineers' *Trip Generation Manual* or another professionally accepted methodology approved by the City Engineer.

WATER DEMAND. The greatest anticipated average daily volume of water withdrawn or delivered from all sources to operate a Development at anticipated ultimate buildout, calculated over any period of 30 consecutive calendar days and expressed in gallons per day (GPD). Water recirculated within the same system shall not be counted more than once. Water used only for construction or emergency fire suppression is excluded.

WATER DEMAND, NON-DOMESTIC. The portion of Water Demand attributable to cooling, manufacturing, equipment operation, treatment, irrigation, or another commercial, industrial, institutional, or operational purpose. Non-Domestic Water Demand does not include water used for drinking, handwashing, toilets, showers, ordinary employee or occupant food preparation, or other ordinary domestic or sanitary purposes.

Section 2. Amendment. § 156.B.002, ZONING DISTRICTS ESTABLISHED, shall be deleted in its entirety and replaced with the following text, which includes establishment of a new overlay zoning district:

§ 156.B.002 ZONING DISTRICTS ESTABLISHED.

The following zoning districts are established for the purposes described below:

(A) Residential Districts.

- (1) AG, Agriculture. The purpose of the AG, Agriculture Zoning District is to provide for the preservation of land suitable for eventual development until such time as the necessary facilities and services are provided to such areas.
- (2) RR, Rural Residential. The purpose of the RR, Rural Residential Zoning District is to provide for existing residential or future residential areas in areas of difficult topography that will develop at a density of approximately two to three dwelling units per acre.
- (3) RL, Low-Density Residential. The purpose of the RL, Low-Density Residential Zoning District is to provide for single-family and duplex homes at a density of approximately four to eight dwelling units per acre.
- (4) RM, Medium-Density Residential. The purpose of the RM, Medium-Density Residential Zoning District is to provide for single-family and duplex homes, townhomes, or small multiple-family developments at a density of approximately six to 18 dwelling units per acre.
- (5) RH, High-Density Residential. The purpose of the RH, High-Density Residential Zoning District is to provide for single-family and duplex homes, townhomes, apartments, and other multiple-family developments at a density of approximately 14 to 31 dwelling units per acre.

(B) Mixed-Use Districts.

- (1) MU, Mixed-Use. The purpose of the MU, Mixed-Use Zoning District is to provide for mixed office, retail, and residential uses in neighborhood centers or in close proximity to residential areas.
- (2) UC, Urban Core. The purpose of the UC, Urban Core Zoning District is to provide for mixed office, retail, medical, institutional, and residential uses in the more intense setting of the urban core, including downtown.

(C) Nonresidential Districts.

- (1) GC, General Commercial.** The purpose of the GC, General Commercial Zoning District is to provide for general commercial uses and businesses such as restaurants, retail, offices, hotels, banks, and other mixtures of uses in areas along major road corridors and further from residential areas.
- (2) GI, General Industrial.** The purpose of the GI, General Industrial Zoning District is to provide for manufacturing, processing, storage, and distribution activities generally incompatible with residential, civic, and other public uses.

(D) Special Purpose Districts.

- (1) PUD, Planned Unit Development.** The purpose of the PUD, Planned Unit Development Zoning District is to provide for the unified and coordinated development of parcels or tracts of land. Certain freedom of choice as to intended land uses shall be permitted, provided that the applicable site development regulations are complied with and that the intended uses are not in conflict with the general purpose and intent of this Zoning Ordinance or the Comprehensive Plan.
- (2) PI, Public and Institutional.** The purpose of the PI, Public and Institutional Zoning District is to provide primarily for religious, medical, governmental, institutional, and educational facilities.
- (3) REC, Recreation.** The purpose of the REC, Recreation Zoning District is to provide for areas of public or private ownership that will remain undeveloped as open space or will be developed as parks, including trails, golf courses, and other recreational facilities appropriate to the need and location.

(E) Overlay Districts.

- (1) UC-HD, Urban Core – Historic District.** The purpose of the UC-HD, Urban Core – Historic District is to protect specific characteristics of the historic core of downtown while facilitating new construction designed to harmonize with the district's visual character.
- (2) DC, Data Center Overlay.** The purpose of the DC, Data Center Overlay Zoning District is to identify locations eligible for Data Center Development based on compatibility with existing and planned land uses and the ability to accommodate applicable infrastructure, access, separation, buffering, site-design, public-service, and mitigation requirements.

Section 3. Amendment. §156.B.003(D) shall be deleted in its entirety and replaced with the following text:

(D) Omitted or annexed land.

(1) Omitted land. Any area within the City that is not shown on the Official Zoning Map as being included in a zoning district shall be deemed to be in the AG, Agriculture District unless the City Council designates another zoning district.

(2) Annexed land. Land annexed into the City shall be assigned the default base zoning district corresponding to its applicable Future Land Use designation in the Comprehensive Plan, as provided in Table 156.B.003-1, unless the City Council establishes another base zoning district concurrently with annexation.

Table 156.B.003-1 Default Zoning of Annexed Land	
Future Land Use Designation	Default Base Zoning District
Agricultural	AG, Agriculture Zoning District
Urban Reserve	AG, Agriculture Zoning District
Low-Intensity Area	RR, Rural Residential Zoning District
Medium-Intensity Area	RM, Medium-Density Residential Zoning District
High-Intensity Area	RH, High-Density Residential Zoning District
Commercial Mixed-Use	GC, General Commercial Zoning District
Downtown Mixed-Use	UC, Urban Core Zoning District
Industrial	GI, General Industrial Zoning District
Parks and Open Space	REC, Recreation Zoning District
Public and Semi-Public	PI, Public and Institutional Zoning District

(3) Uncertain or multiple designations. If the applicable Future Land Use designation cannot be determined, is not addressed in Table 156.B.003-1, or includes more than one designation applicable to the annexed land, the land shall be assigned the AG, Agriculture Zoning District unless the City Council establishes another base zoning district concurrently with annexation.

(4) Overlay districts. Overlay Districts are not default base zoning districts that may be assigned to annexed land. An Overlay District may be applied only by action of the City Council in accordance with the applicable Zone Change procedures.

Section 4. Amendment. §156.B.006(A) is deleted in its entirety and replaced with the following:

(A) Development classifications.

(1) Residential development types. New developments that are primarily residential are classified as Conventional, Cluster, Infill, or Tiny House Neighborhood or Cottage Court, as applicable. Development of any residential development type permitted in the zoning district is at the option of the applicant. Where more than one residential development type is permitted in a zoning district, no development type is mandatory.

(2) Development Scale. Each Mixed-Use or Nonresidential Development shall be classified as Neighborhood-scale, Community-scale, or Regional-scale in accordance with division (E) of this section.

(3) Infrastructure Intensity. Each Mixed-Use or Nonresidential Development shall be evaluated for classification as Infrastructure-Intensive Development in accordance with division (F) of this section.

(4) Independent classifications. Development Scale and Infrastructure Intensity are independent classifications. A development may be subject to requirements associated with either or both classifications.

(5) Overlay districts. Application of an overlay district does not replace, supersede, or independently alter the Development Scale or Infrastructure Intensity classification applicable within the underlying base zoning district.

Refer to § 156.B.004, Residential District Development Standards, for lot density and dimension standards related to each permitted development and housing type combination.

Section 5. Amendment. A new division (E) is added to § 156.B.006 as follows:

(E) Mixed-Use and Nonresidential Development Scale.

(1) Classification. Each Mixed-Use or Nonresidential Development shall be classified as Neighborhood-scale Development, Community-scale Development, or Regional-scale Development in accordance with the applicable definitions in §156.M.003.

(2) Aggregate Development. When multiple buildings, lots, parcels, phases, facilities, or improvements are part of a single integrated or functionally related Development under common or related ownership, control, operation, or development, Development Scale shall be determined from the aggregate Gross Floor Area of the entire development.

(3) **Phased Development.** Development proposed or constructed in phases shall be classified based on the aggregate Gross Floor Area proposed at anticipated ultimate buildout, including all phases included in or reasonably anticipated as part of the development proposal.

(4) **Subsequent Development.** An expansion, addition, phase, or other modification to an existing development shall be evaluated based on the aggregate Gross Floor Area of the existing development and the proposed development following completion of the expansion, addition, phase, or modification.

(5) **Avoidance prohibited.** A development shall not be divided among separate buildings, lots, parcels, phases, ownership entities, operators, tenants, subsidiaries, affiliated entities, applications, or other components for the purpose of avoiding an applicable Development Scale classification or requirement.

(6) **Determination.** The Zoning Administrator shall determine the applicable Development Scale from the information submitted with the development application and other information reasonably necessary to determine compliance with this chapter.

Section 6. Amendment. A new division (F) is added to § 156.B.006 as follows:

(F) Infrastructure Intensity.

(1) **Applicability.** Infrastructure Intensity applies only to Mixed-Use or Nonresidential Development and is determined independently from Development Scale.

(2) **Classification.** A Mixed-Use or Nonresidential Development is Infrastructure-Intensive Development if it exceeds any threshold established in the definition of Infrastructure-Intensive Development in §156.M.003. A development that does not exceed any such threshold shall not be classified as Infrastructure-Intensive Development.

(3) **Applicant documentation.** The applicant shall provide sufficient information, as determined by the Zoning Administrator, to determine the development's Electrical Demand, Non-Domestic Water Demand, and Vehicle Trip Generation at anticipated ultimate buildout. The information shall include applicable development plans, equipment specifications, utility documentation, trip-generation calculations, and other supporting information deemed reasonably necessary by the Zoning Administrator to determine Infrastructure Intensity.

(4) **Aggregate calculation.** When multiple buildings, lots, parcels, phases, facilities, or improvements are part of a single integrated or functionally related development under common or related ownership, control, operation, or development, Electrical Demand, Non-Domestic Water Demand, and Vehicle Trip Generation shall be determined from the aggregate demand and trip generation of the entire development.

(5) Phased and subsequent development. Development proposed or constructed in phases shall be evaluated based on its aggregate Electrical Demand, Non-Domestic Water Demand, and Vehicle Trip Generation at anticipated ultimate buildout. An expansion, addition, phase, or other modification to an existing development shall be evaluated based on the aggregate demand and trip generation of the entire development following completion of the expansion, addition, phase, or modification.

(6) Avoidance prohibited. A development shall not be divided among separate buildings, lots, parcels, phases, ownership entities, operators, tenants, subsidiaries, affiliated entities, utility or access connections, applications, permits, or other components for the purpose of avoiding classification as Infrastructure-Intensive Development or an applicable requirement of this chapter.

(7) Administrative determination. The Zoning Administrator shall determine Electrical Demand, Non-Domestic Water Demand, Vehicle Trip Generation, and Infrastructure Intensity from the information submitted with the development application and any other information deemed reasonably necessary by the Zoning Administrator to determine compliance with this chapter. Technical information or review provided by a utility provider, the City Engineer, or another public agency may be considered, but the Zoning Administrator shall make the final classification under this chapter.

Section 7. Amendment. §156.C.002(C)(1) is deleted in its entirety and replaced with the following:

1. "P" means that the land use is permitted by right, subject to all applicable standards of this chapter, including any use-specific standards identified in the Standards column of Table 156.C.003-1.

Section 8. Amendment. §156.C.002(E) is deleted in its entirety and replaced with the following:

(E) Standards. The Standards column provides a reference to additional use-specific standards applicable to a use. Such standards apply regardless of whether the use is identified as permitted by right (P), permitted with limitations (L), or allowed as a special use (S), unless otherwise expressly provided. Where "N/A" is shown in the Standards column, Article C establishes no additional use-specific standard beyond the standards otherwise applicable under this chapter.

Section 9. Amendment. Table 156.C.003-1, Use Table, is amended by adding the following row within the Industrial use category and adding a new table note:

Table 156.C.003-1, Use Table																	
Use Category	Specific Use ¹	Cv = Conventional Cl = Cluster In = Infill	Residential						Mixed - Use		Nonresidential				Standards		
			A G	R R	RL		RM		RH		MU	UC	GC	PI		REC	GI
					Cv	Cl	Cv	In	Cv	In							
Industrial																	
Data Center ³	All Data Center Uses ³		--	--	--	--	--	--	--	--	--	--	S	S	--	P	156.C.012
Table Notes																	
³ The “P” and “S” designations for a Data Center apply only within the DC, Data Center Overlay District. A Data Center is prohibited on property not encompassed by the DC Overlay.																	

Section 10. Amendment. A new § 156.C.012 is added as follows:

§ 156.C.012 DATA CENTERS.

(A) Purpose. The purpose of this section is to establish standards for the location, development, expansion, and operation of Data Centers according to the scale and physical characteristics of the development and its potential effects on surrounding properties, public infrastructure, utilities, transportation systems, and public services.

(B) Applicability and aggregation.

(1) A Data Center may be established only within the DC, Data Center Overlay Zoning District and within an underlying base zoning district in which the use is designated "P" or "S" in Table 156.C.003-1. The DC, Data Center Overlay Zoning District does not authorize a Data Center in an underlying base zoning district where the use is shown as prohibited.

(2) All Data Center Buildings, associated infrastructure, accessory facilities, site improvements, and phases that are part of the same Data Center Development shall be evaluated collectively when determining Development Scale, Electrical Demand, Water Demand, Non-Domestic Water Demand, Vehicle Trip Generation, Infrastructure Intensity, and applicable development-review requirements.

(3) A Data Center Development shall not be divided among separate buildings, phases, parcels, ownership entities, operators, tenants, subsidiaries, affiliated entities, applications, permits, utility connections, access connections, or other components for the purpose of avoiding or reducing an applicable requirement of this chapter.

(4) An expansion, addition, phase, or other modification to an existing Data Center Development shall be evaluated based on the aggregate development that will exist following completion of the proposed expansion, addition, phase, or modification.

(C) Development review. A Data Center Development shall be subject to Site Plan review and, when required under Subsec. 156.J.003.3, Master Development Plan review, in addition to any other applicable development-review procedures of this chapter.

(D) Accessory uses and facilities.

(1) Subject to all applicable standards of this chapter, the following uses and facilities may be accessory to a Data Center Development when incidental and subordinate to the principal Data Center use:

- a. Battery energy storage systems;
- b. Solar arrays and similar on-site renewable energy generation systems;
- c. On-site standby or backup power generation facilities;
- d. Electrical substations, switchyards, transformers, and other electrical distribution equipment;
- e. District energy systems, microgrid infrastructure, and related energy distribution facilities;
- f. Water treatment, storage, reuse, and recycling facilities; and
- g. Offices, maintenance facilities, employee support facilities, and similar facilities incidental and subordinate to the Data Center use.

(2) An accessory use or facility shall remain subordinate and incidental to the Data Center Development. Its size, capacity, site area, and potential effects shall be reasonably proportionate to and supportive of the principal Data Center use as determined by the Zoning Administrator.

(3) A use or facility designed or intended primarily to serve other uses, properties, or customers is subject to the zoning requirements applicable to the corresponding principal use.

(4) The Zoning Administrator shall determine whether a proposed use or facility qualifies as accessory based on its nature, size, capacity, location, operational relationship to the Data Center Development, and potential effects.

(E) Separation and buffering.

(1) A minimum separation distance of 300 feet shall be maintained between any Data Center Building, emergency electrical generator serving a Data Center Development, exterior cooling equipment serving a Data Center Development, or other exterior mechanical or electrical equipment serving a Data Center Development and the property line of:

a. Any property containing a principal Public Assembly use; and

b. Any residentially zoned property, including residentially zoned property outside the corporate limits.

(2) The required separation shall be measured as the shortest horizontal distance between the applicable building or equipment and the property line from which separation is required.

(3) Parking areas, internal drives, security fencing, stormwater-management facilities, landscaping, and utility connections not containing exterior mechanical or electrical equipment are not subject to the separation requirement but remain subject to all otherwise applicable setbacks, buffering, screening, and development standards.

(4) A Type D bufferyard in accordance with § 156.F.004 shall be provided:

a. Along each portion of the outer perimeter boundary of a Data Center Development that abuts the right-of-way of a street classified as a Principal Arterial, Minor Arterial, Major Collector, or Minor Collector in the Comprehensive Plan; and

b. Along each portion of the outer perimeter boundary for which § 156.F.004 otherwise requires a bufferyard based on the zoning district or use of adjoining property.

A Type D bufferyard required by this paragraph shall be provided in lieu of, and shall satisfy, any less restrictive bufferyard otherwise required along the same boundary. Bufferyard requirements applicable to the same boundary are not cumulative.

(F) Utility, transportation, and infrastructure coordination.

(1) In addition to the information required under § 156.B.006(F), an application for a Data Center Development shall include documentation of anticipated utility demand, transportation demand, available capacity, service and interconnection requirements, infrastructure requirements, and responsibility for project-related improvements.

(2) Documentation shall address, as applicable:

- a. Electrical service;
- b. Water service;
- c. Wastewater service;
- d. Natural gas service;
- e. Telecommunications service;
- f. Transportation access and capacity; and
- g. Other utility or infrastructure services necessary to support the proposed development.

(3) Electrical-service documentation shall identify the maximum Electrical Demand, anticipated utility-service capacity, required interconnection and infrastructure improvements, and the general location of proposed substations, transmission or distribution facilities, on-site generation, energy storage systems, and backup power facilities.

(4) Water- and wastewater-service documentation shall identify the maximum Water Demand, maximum Non-Domestic Water Demand, anticipated peak daily water demand, anticipated wastewater generation, water sources, water reuse or conservation systems, and public or private improvements necessary to serve the development.

(5) Transportation documentation shall identify anticipated Vehicle Trip Generation, including average daily and peak-hour Vehicle Trips; anticipated employee, service, delivery, and truck traffic; proposed access points and internal circulation; affected streets and intersections; and public or private transportation improvements necessary to serve the development.

(6) Documentation shall be based on the maximum development proposed for approval, including all phases included in or reasonably anticipated as part of the Data Center Development.

(7) The City may require a utility analysis, capacity analysis, traffic study, facilities study, or other technical documentation to be reviewed by an independent qualified professional selected or approved by the City. The reasonable cost of the review shall be paid by the applicant.

(8) The City may consult affected utility providers, the City Engineer, and other public agencies when reviewing the documentation required by this division.

(9) Review under this section addresses local land-use, site-design, transportation, infrastructure-coordination, and public-service effects. It does not constitute approval of utility rates, service territories, utility generation or interconnection, or any other matter within the exclusive jurisdiction of a state or federal agency or utility provider.

(10) A Site Plan or Master Development Plan for a Data Center Development may be conditioned upon the construction or installation of, or payment of the development's proportionate share of public or private improvements identified through the documentation required by this division and reasonably necessary to serve the development or mitigate its project-related effects, subject to applicable law.

Section 11. Amendment. §156.D.002(I) is deleted in its entirety and replaced with the following:

(I) Exemption. A building wall is exempt from the requirements of this section when either of the following applies:

(1) The development is Neighborhood-scale or Community-scale Development located within the GI, General Industrial Zoning District, and the building wall:

a. Is not visible from an existing Principal Arterial or Minor Arterial; and

b. Does not face or adjoin a proposed street of either classification identified in the Comprehensive Plan.

(2) The building wall faces directly adjoining undeveloped land designated as Agriculture, Urban Reserve, or Parks and Open Space in the Comprehensive Plan.

Section 12. Amendment. Table 156.E.004, Minimum and Maximum Parking, is amended by adding the following:

Table 156.E.004			
Minimum and Maximum Parking			
SF = square feet GFA = gross floor area -- = no minimum or maximum, as applicable			
<u>Use Category</u>	<u>Subtype</u>	<u>Minimum Spaces</u>	<u>Maximum Spaces</u>
Data Center	All Data Center Types	1 per employee	--

Section 13. Amendment. §156.F.004(A) shall be deleted in its entirety and replaced with the following:

(A) Generally. The bufferyards required by this section provide transitions and physical barriers between properties containing differing land uses to reduce visual, noise, and other incompatibilities. Bufferyards are classified according to the level of screening they provide,

from Type A, providing the lowest level of screening, through Type D, providing the highest level of screening, based on the types and intensities of adjoining land uses.

Section 14. Amendment. §156.F.004(B)(2) shall be deleted in its entirety and replaced with the following:

(2) Plantings within Type A, Type B, and Type C bufferyards may be arranged in naturalistic groupings or evenly spaced. Plantings within a Type D bufferyard shall be arranged in staggered rows or naturalistic groupings that provide a layered, year-round visual screen.

Section 15. Amendment. §156.F.004(C) shall be deleted in its entirety and replaced with the following:

(C) *Bufferyard types.* There are four types of bufferyards, each of which varies in width and the numbers and types of plants required per 100 linear feet. The minimum planting requirements for each type of bufferyard are set out in Table 156.F.004-1, Bufferyard Classifications, except that parking lot setback plantings are set out in § 156.F.003, Development Landscaping. Illustrative examples of bufferyards are in Figure 156.F.004-1, Illustrative Bufferyard Types.

Section 16. Amendment. Table 156.F.004-1, Bufferyard Classifications, is amended by adding the following row under “Option 1: Landscape Only Bufferyard” and adding Table Note 3:

Table 156.F.004-1 Bufferyard Classifications						
Type	Width	Required Plantings per 100 Linear Feet				Height of Berm, Wall, or Fence ¹
		Overstory Trees	Understory Trees	Evergreen trees	Shrubs	
Option 1: Landscape Only Bufferyard						
Type D ³	30 ft.	4	4	8	20	N/A
Table Notes:						
³ Only Option 1 applies to a Type D bufferyard. A berm, wall, or fence may be provided in addition to the required landscaping but shall not replace or reduce the required bufferyard width or plantings.						

Section 17. Amendment. §156.F.004(F) shall be deleted in its entirety and replaced with the following:

(F) Warranted exceptions to bufferyard requirements. When a bufferyard requirement would overburden a property by making development impractical, the Zoning Administrator may, in the Zoning Administrator’s discretion, reduce the required bufferyard width and require a privacy fence, screening wall, or other measures to mitigate the effects on the property to be buffered. Notwithstanding the foregoing, the required width or plantings of a Type D

bufferyard shall not be reduced, waived, or otherwise modified under this division or through an Administrative Adjustment. A fence, wall, berm, or other screening measure may supplement, but shall not replace, the required Type D plantings.

Section 18. Amendment. §156.F.004(H) shall be deleted in its entirety and replaced with the following:

(H) Relationship to other bufferyard requirements. Certain uses may be subject to additional or different bufferyard requirements established elsewhere in this Zoning Ordinance. Where more than one bufferyard requirement applies along the same portion of a property boundary, the requirement providing the greater level of screening shall apply. Bufferyard requirements applicable to the same portion of a property boundary are not cumulative.

Section 19. Amendment. Table 156.J.002.6-1, Required Notice, is amended by adding the following rows under “Legislative Applications”:

Table 156.J.002.6-1 Required Notice				
Review Procedure	Application Type	Review Body	Publication	Posted
Legislative Applications	Master Development Plan	Plan and Zoning Commission	Not Required	Required
	Appeal of Master Development Plan Decision	City Council	Required	Required

Section 20. Amendment. The row for Master Development Plan in Table 156.J.002.12-1, Development Review Summary Table, is deleted and replaced with the following:

Table 156.J.002.12-1					
Development Review Summary Table					
Development Application (Reference)	Submittal Timing	Expiration ¹	Review Responsibilities		Applicable Standards
			Recommendation	Final Decision	
Legislative Applications: Require final decisions that establish or change the way the use, design, or development of land will occur on a site-specific, city-wide, or intermediate scale. Elected and appointed administrative bodies make final decisions based on general considerations of fostering and preserving the public health, safety and general welfare, including the city's fiscal well-being. Such final decisions are characterized by the exercise of broad discretion.					
Master Development Plan (156.J.003.3)	Concurrent with or after any required Zone Change or Special Use Permit and before approval of a Site Plan, plat, or other development permit	2 years	Zoning Administrator	PZC	Article B, Article C, Article D

Section 21. Amendment. Table 156.J.002.12-2, Review Steps, is amended by changing the entry in the "Public Notice (156.J.002.6)" row and the "All Other" column under "Legislative Applications" from "No" to "Yes."

Section 22. Amendment. Subsec. 156.J.003.3, Master Development Plan, is deleted in its entirety and replaced with the following:

Subsec. 156.J.003.3 Master Development Plan.

(A) Generally. A Master Development Plan establishes a coordinated and binding framework for the anticipated ultimate buildout of Regional-scale or Infrastructure-Intensive Development. The plan establishes the development's maximum intensity, general physical layout, infrastructure requirements, mitigation measures, and phasing before approval of implementing Site Plans, plats, and permits.

(B) Applicability.

(1) Required approval. Master Development Plan approval is required for:

- a. Any Regional-scale Development classified under § 156.B.006;**
- b. Any Infrastructure-Intensive Development classified under § 156.B.006; or**
- c. Any other use or development expressly required by this Zoning Ordinance to obtain Master Development Plan approval.**

(2) Independent triggers. Regional-scale Development and Infrastructure-Intensive Development are independent classifications. A development meeting either classification requires Master Development Plan approval. A development meeting both classifications shall be reviewed under one Master Development Plan encompassing the entire development.

(3) Overall development. Development Scale and Infrastructure Intensity shall be determined from anticipated ultimate buildout in accordance with § 156.B.006. The determination shall include all related buildings, lots, parcels, phases, and supporting facilities under common or related ownership, control, operation, or development or that function as a coordinated development.

(4) Minor expansion exception. An expansion or modification to a development lawfully existing or approved before the effective date of the ordinance adopting this paragraph does not require Master Development Plan approval when the Zoning Administrator determines that all of the following criteria are satisfied:

- a. The aggregate Gross Floor Area, Electrical Demand, Non-Domestic Water Demand, and Vehicle Trip Generation following completion of the expansion or modification would not exceed 110% of the corresponding amounts lawfully existing or approved on the effective date of the ordinance adopting this paragraph;**
- b. The calculation includes the development lawfully existing or approved on the effective date of the ordinance adopting this paragraph, the proposed expansion or modification, and all expansions or modifications approved after that date;**
- c. The expansion or modification would not materially increase adverse effects on surrounding property, public infrastructure, utilities, transportation facilities, or public services;**
- d. Adequate infrastructure, utility, transportation, and public-service capacity is available to serve the aggregate development, or any improvements necessary to provide such capacity will be completed as part of the expansion or modification;**

e. The expansion or modification does not remove or materially reduce required infrastructure, buffering, screening, public-service measures, or other mitigation;

f. The development complies with all other applicable standards and approval requirements of this Zoning Ordinance; and

g. The expansion or modification has not been divided, phased, or otherwise structured for the purpose of qualifying for the exception.

For purposes of this paragraph, the Zoning Administrator shall determine the amounts lawfully existing or approved on the effective date from permits, utility records, development plans, equipment specifications, trip-generation calculations, and other reasonably reliable information. The baseline established under this paragraph remains fixed and shall not be increased by an expansion or modification approved under this exception.

(5) Expansions requiring approval. Except as provided in paragraph (4), Master Development Plan approval is required before approval of an expansion or modification to an existing development when the aggregate development following completion of the expansion or modification is Regional-scale Development or Infrastructure-Intensive Development. The Master Development Plan shall encompass the existing development and the proposed expansion or modification.

(6) Avoidance prohibited. A development shall not be divided among separate buildings, lots, parcels, phases, applications, owners, operators, tenants, subsidiaries, affiliated entities, or utility connections for the purpose of avoiding Master Development Plan review.

(7) Timing. A required Master Development Plan shall be approved before final approval of a Site Plan, plat, grading permit, building permit, or other permit authorizing site work or construction.

(C) Relationship to other approvals.

(1) A Master Development Plan may be submitted and reviewed concurrently with a Zone Change, Special Use Permit, subdivision application, or other required development application.

(2) Master Development Plan approval does not constitute approval of a Zone Change, Special Use Permit, variance, Site Plan, plat, building permit, utility connection, development agreement, or other approval required by this Zoning Ordinance or other applicable law.

(3) When more than one approval is required, development shall not proceed until all required approvals have been obtained. Denial or expiration of one required approval is not superseded by approval of the Master Development Plan.

(4) An implementing Site Plan, plat, or permit may be reviewed concurrently with a Master Development Plan but shall not receive final approval until the Master Development Plan has been approved.

(D) Application contents. A Master Development Plan shall include, as applicable, the following information at a scale and level of detail sufficient to evaluate anticipated ultimate buildout:

(1) Development boundary. The boundaries, acreage, legal description, and ownership or control of all property included within the development.

(2) Existing conditions. Existing land uses, buildings, streets, access points, utilities, easements, topography, drainage patterns, floodplains, wetlands, natural resources, and other physical conditions affecting development of the property.

(3) Surrounding context. Existing and planned development surrounding the property and proposed transitions, separation, buffering, and compatibility measures.

(4) Land uses. The general location, type, and extent of each proposed residential, nonresidential, mixed, accessory, and supporting use.

(5) Development intensity. The maximum number of principal buildings, dwelling units where applicable, Gross Floor Area, building coverage, building height, and other measures necessary to establish the maximum intensity of the development.

(6) Building layout. The general location, scale, orientation, and relationship of proposed buildings and structures.

(7) Electrical demand and infrastructure. The maximum Electrical Demand of the development, anticipated demand of each phase, and the general location and capacity of substations, transmission or distribution facilities, on-site generation, energy storage systems, standby generators, and other supporting electrical infrastructure.

(8) Water and wastewater. The maximum Water Demand, maximum Non-Domestic Water Demand, anticipated peak-day water demand, anticipated wastewater generation, water sources, water reuse or conservation systems, and the general location and capacity of water and wastewater infrastructure.

(9) Other utilities. The general location and capacity of telecommunications, natural gas, and other public or private utility infrastructure necessary to serve the development.

(10) Access and circulation. Existing and proposed streets, driveways, access points, emergency-access routes, internal circulation, loading areas, parking areas, pedestrian and bicycle facilities where applicable, maximum Vehicle Trip Generation, including average daily and peak-hour Vehicle Trips, and anticipated transportation improvements.

(11) Stormwater and environmental conditions. Proposed stormwater facilities and areas designated for floodplain protection, natural-resource preservation, erosion control, or other environmental mitigation related to the physical development of the site.

(12) Site design and mitigation. The general location and character of landscaping, buffering, screening, open space, fencing, lighting, noise mitigation, and other site improvements intended to address the effects of the development.

(13) Public services. Anticipated demands on fire protection, emergency response, law enforcement, solid-waste services, transportation facilities, and other public services, together with proposed improvements or mitigation.

(14) Infrastructure and cost responsibility. Infrastructure improvements necessary to serve the development; the entity responsible for design, acquisition, construction, operation, maintenance, replacement, and cost; and any proposed City participation, reimbursement, or separate agreement.

(15) Phasing. The boundaries, sequence, timing, maximum development intensity, infrastructure, public-service measures, and mitigation associated with each phase.

(16) Implementation. The improvements, mitigation measures, agreements, easements, dedications, demand limitations, or other actions necessary to serve the development and implement the Master Development Plan.

(17) Additional information. Other information reasonably determined by the Zoning Administrator to be necessary to evaluate the criteria in division (E) of this subsection.

(E) Scope of review and required findings.

(1) Limited scope. Master Development Plan review shall not reconsider the legislative determination embodied in the applicable base and overlay zoning classifications that the identified use may be established on the property. Review shall be limited to determining whether the proposed development complies with the standards and criteria expressly identified in this subsection.

(2) Required findings. The PZC may approve or approve with conditions a Master Development Plan only upon finding that:

a. Infrastructure and utilities. Existing or planned utilities, streets, drainage facilities, and other public or private infrastructure can serve each phase and anticipated ultimate buildout, and the plan identifies necessary improvements, timing, demand limitations, and responsibility for project-related costs. Master Development Plan approval does not authorize City funding, reimbursement, property acquisition, or another commitment requiring separate approval.

b. Physical development. The general location, scale, layout, access, circulation, loading, parking, stormwater facilities, buildings, structures, and site improvements comply with applicable physical-development standards and will function safely and adequately.

c. Compatibility. The physical location, scale, design, and operation of the development are compatible with surrounding existing and planned development, or will be made compatible through separation, buffering, screening, design, operational limitations, or other mitigation related to an identified development effect.

d. Public services. Existing or planned fire protection, emergency response, law enforcement, solid-waste, transportation, and other public services can serve each phase and anticipated ultimate buildout, or necessary improvements and mitigation will be provided when required.

e. Phasing and mitigation. Development phases are logically sequenced; each phase can function safely and adequately; and required infrastructure, public-service measures, compatibility measures, and mitigation will be provided when needed through clear, measurable, and enforceable requirements.

(3) Public testimony. Public testimony may be considered only to the extent it provides evidence relevant to the criteria in this division.

(4) Opposition or desirability. A Master Development Plan shall not be denied, and a condition shall not be imposed, solely because of public opposition to or the perceived desirability or undesirability of a use permitted within the applicable zoning district.

(5) Written findings. The PZC's final decision shall include written findings addressing the applicable criteria in this division.

(F) Procedures and final decision.

(1) Staff review. The Zoning Administrator shall review the proposed Master Development Plan and may distribute it to affected City departments, public agencies, utility providers, and other entities for technical review and comment. The Zoning Administrator shall prepare a report and recommendation for the PZC.

(2) Public notice and hearing. Notice shall be provided and the PZC shall conduct a public hearing in accordance with Table 156.J.002.6-1, Table 156.J.002.12-2, Subsec. 156.J.002.6, and Subsec. 156.J.002.7.

(3) Final decision by PZC. Notwithstanding Subsec. 156.J.002.7(F)(2), the PZC is the final decision-making body for a Master Development Plan. The PZC shall approve, approve with conditions, or deny the Master Development Plan. No recommendation to or approval by the City Council is required. The PZC's decision is final unless timely appealed to the City Council in accordance with §156.I.001(C) and paragraph (6) of this division.

(4) Time for decision. The PZC shall take final action within 60 days after the date on which the public hearing is first opened unless the applicant agrees in writing to a later date. Failure to act within the period established by this paragraph does not constitute approval or denial. The applicant may seek any remedy available under applicable law.

(5) Conditions. The PZC may impose conditions only when the conditions:

- a. Address infrastructure, physical development, compatibility, public services, phasing, or mitigation under division (E);
- b. Are reasonably related and proportionate to an identified effect of the proposed development;
- c. Are stated with sufficient clarity to be administered and enforced; and
- d. Do not regulate utility rates, service territories, generation, interconnection, or another matter reserved to a state or federal agency or a utility provider.

(6) Appeal.

- a. Filing. A person or entity with standing under subparagraph b may appeal the PZC's decision within 30 days after the date of the decision. The appeal shall be filed in writing with the Zoning Administrator.
- b. Standing. The following persons and entities have standing to appeal:
 1. The applicant;
 2. An owner of property included within the Master Development Plan; or
 3. An owner of property having any portion of its boundary located within 250 feet of the boundary of the Master Development Plan, excluding the width of any intervening public right-of-way.
- c. Grounds. The appeal shall identify each finding, conclusion, condition, or procedural action being appealed and shall allege one or more of the following:
 1. The PZC incorrectly applied a standard or review criterion of this Zoning Ordinance;
 2. A material finding or conclusion is not supported by substantial evidence in the record;
 3. A procedural error materially prejudiced the appellant's substantial rights; or

4. A condition of approval is not reasonably related or proportionate to an identified effect of the development.

Mere opposition to the proposed use or disagreement with its perceived desirability is not sufficient grounds for an appeal.

d. Scope of review. The City Council shall conduct the public hearing required by §156.1.001(C). Review shall be limited to the record before the PZC, the PZC's written decision, and argument concerning the grounds stated in the appeal. New evidence shall not be considered unless the City Council determines that it could not reasonably have been presented to the PZC or is necessary to address an alleged procedural error.

e. Decision. The City Council shall dismiss an appeal when the appellant lacks standing or has not stated a permitted ground for appeal. Otherwise, the City Council may affirm, reverse, or modify the PZC's decision or remand the matter to the PZC for further proceedings. The City Council shall apply the criteria in division (E) and issue a written decision addressing each properly raised ground.

f. Stay. A timely appeal stays the effectiveness of the PZC's decision until the City Council issues its final decision.

(G) Effect of approval.

(1) Binding plan. An approved Master Development Plan, including all plans, development limitations, phasing requirements, conditions, and mitigation measures incorporated into the approval, is binding on the subject property and all subsequent owners, operators, applicants, and successors in interest unless amended or expired under this subsection.

(2) Development limitations. The maximum Gross Floor Area, number of principal buildings, dwelling units, building coverage, building height, Electrical Demand, Water Demand, Non-Domestic Water Demand, Vehicle Trip Generation, development area, number of phases, and other limitations established by the approval shall not be exceeded.

(3) Subsequent approvals. Each subsequent Site Plan, plat, permit, and other development application shall demonstrate consistency and conformance with the approved Master Development Plan and its conditions.

(4) Administrative implementation. A Site Plan or other implementing application that conforms to the approved Master Development Plan may be reviewed and decided through the otherwise applicable administrative review procedure.

(5) No construction authorization. Master Development Plan approval does not authorize land disturbance, grading, construction, occupancy, or operation without all other required approvals and permits.

(6) No waiver. Master Development Plan approval does not waive or modify a standard of this Zoning Ordinance except through a variance, Administrative Adjustment, alternative-compliance procedure, or other modification expressly authorized by this Zoning Ordinance.

(H) Amendments.

(1) Substantial conformance. An implementing Site Plan, plat, or permit that remains substantially consistent with the approved Master Development Plan does not require amendment of the Master Development Plan.

(2) Administrative Adjustment. The Zoning Administrator may approve an Administrative Adjustment to an approved Master Development Plan under Subsec. 156.J.004.7 only if all of the following criteria are satisfied:

- a. Is not a major amendment under paragraph 3;
- b. Remains consistent with the purpose, general layout, development limitations, and conditions of the approved Master Development Plan;
- c. Does not materially increase an effect on surrounding property, public infrastructure, or public services; and
- d. Does not remove or materially reduce required infrastructure, buffering, screening, public-service measures, or other mitigation.

(3) Major amendment. The following changes constitute a major amendment and require review and approval through the same procedure as the original Master Development Plan:

- a. An increase in the approved maximum Electrical Demand, Water Demand, Non-Domestic Water Demand, or Vehicle Trip Generation;
- b. An increase in the approved maximum Gross Floor Area, number of principal buildings, number of dwelling units, building coverage, or building height;
- c. An expansion of the approved development boundary;
- d. Addition of a development phase or a material change to approved phasing;
- e. Addition of a principal use or a material change in the location or distribution of approved land uses;
- f. A material change in the location, type, or capacity of streets, access points, utility infrastructure, stormwater facilities, or other major infrastructure;

g. Removal or material reduction of required improvements, buffering, screening, public-service measures, or other mitigation;

h. A change that would materially increase the development's effects on surrounding properties, public infrastructure, or public services; or

i. Another change determined by the Zoning Administrator to be materially inconsistent with the approved Master Development Plan or its conditions.

(4) No demand adjustment. An Administrative Adjustment to an approved Master Development Plan shall not authorize an increase in the plan's approved maximum Electrical Demand, Water Demand, Non-Domestic Water Demand, or Vehicle Trip Generation.

(5) Administrative determination. The Zoning Administrator shall determine whether a proposed change is in substantial conformance, requires an Administrative Adjustment, or is a major amendment. An appeal of that administrative determination may be filed under Subsec. 156.J.005.3, Appeal of Administrative Decision.

(I) Time frame and expiration.

(1) Initial validity. Master Development Plan approval is valid for the period established in Table 156.J.002.12-1.

(2) Commencement. Unless an extension is approved, the Master Development Plan expires if, within two years after its approval, no implementing Site Plan or plat has received final approval and no permit authorizing substantial site work or construction has been issued.

(3) Multiphased development. Following timely approval of an implementing Site Plan, plat, or permit, the Master Development Plan remains effective for subsequent phases so long as development proceeds in substantial accordance with the approved phasing schedule and any phase-completion or commencement deadlines imposed as conditions of approval.

(4) Extension. An extension may be requested and considered under Subsec. 156.J.002.11, Approval Extension. The PZC may require an amended phasing schedule or updated information regarding infrastructure capacity, physical development, compatibility, public services, or mitigation as a condition of extension.

(5) Effect of expiration. Expiration of a Master Development Plan does not invalidate a lawfully approved and unexpired Site Plan, plat, or permit or require removal of lawfully completed improvements. An undeveloped portion of the property is subject to the standards and approval requirements in effect when a new development application is submitted.

Section 23. Severability.

If any section, provision, or part of this ordinance is adjudged invalid or unconstitutional, that adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part not adjudged invalid or unconstitutional.

Section 24. Effective Date.

This ordinance shall be in full force and effect after its final passage, approval, and publication as provided by law.

Passed this _____ day of _____ 2026 and signed this _____ day of _____ 2026.

Signatures on the following page.

CITY OF MARSHALLTOWN, IOWA

Mike Ladehoff, Mayor

ATTEST:

Alicia Hunter, City Clerk

I, Alicia Hunter, City Clerk of the City of Marshalltown, Iowa, do hereby certify that the foregoing ORDINANCE was passed and approved by the City Council of the City of Marshalltown, Iowa, on the ____ day of _____ 2026, and was published in the Marshalltown Times-Republican, a newspaper of general circulation in the City of Marshalltown, Iowa, on the ____ day of _____ 2026.

Alicia Hunter, City Clerk

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

LINN COUNTY ORDINANCE # _____

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	AG	RR 1/2/3	VR	VM	USR	USR- MF	HC	GC	I	CNR	MH
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.

LINN COUNTY BOARD OF SUPERVISORS

Kirsten Running-Marquardt, Chair

Sami Scheetz, Vice Chair

Brandy Z. Meisheid, Supervisor

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

Todd Taylor, Linn County Auditor

STATE OF IOWA
COUNTY OF LINN

This instrument was acknowledged before me on the ____ day of _____, 2026, by Todd Taylor as Linn County Auditor.

Notary Public, State of Iowa

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 ____ day of _____, 2026.