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Prepared by and to be returned to: Stephanie Lientz, Linn County Planning & Development  
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RESOLUTION APPROVING A TEMPORARY USE

RESOLUTION # 2021-8-132

**WHEREAS**, John Bickel owner; and Horsfield Construction, petitioner; Case JTU21-0011, has requested the Linn County Board of Supervisors' permission to operate a portable concrete plant to be used for a county road project on Ivanhoe Road, and located at 1636 Marietta Rd, Ely, Iowa.

**AND WHEREAS**, the Board of Supervisors makes the following Findings of Facts:

1. The portable concrete plant will operate from August 11, 2021 and end by October 1, 2021.
2. A temporary concrete plant is permitted under the provisions of Article V, Section 107-93, §(c)(1) of the Linn County Unified Development Code.
3. The property is located at 1636 Marietta Rd, Ely, Iowa.
4. The property is zoned AG (Agricultural) and is 53.0 acres in size.
5. Approximately 1.5 acres will be used for the temporary use.
6. The owner of the subject property is John Bickel.
7. The operator of the portable concrete plant will be Horsfield Construction.
8. The plant may operate between the hours of 5:00 AM to 8:00 PM, Monday through Saturday.
9. Two portable toilets and one hand washing station will be accessible on-site for the duration of the operation of the plant.
10. The applicant estimates an increase to a maximum of 500 vehicle trips per day due to the operation of the portable concrete plant.

**AND WHEREAS**, the Linn County Technical Review Committee has examined the application and all conditions of approval are listed as part of this Resolution;

**AND WHEREAS**, the Temporary Use application has been examined by the Linn County Board of Supervisors at a public meeting on August 9, 2021, all interested persons having been heard;

**NOW THEREFORE, BE IT RESOLVED**, that the Linn County Board of Supervisors approve the application, Case JTU21-0011, subject to the following conditions:

**LINN COUNTY PLANNING & DEVELOPMENT (Zoning Division)**

1. The Temporary Use may be reviewed at any time during the duration of the permit to ensure that all conditions have been or are being met.
2. All building, electrical, mechanical, plumbing and zoning permits will be obtained as necessary.
3. Adhere to the operating hours indicated in the temporary use application; 6:00 AM to 8:00 PM, seven days a week.
4. The temporary use permit period will be begin August 11, 2021 and expire no later than October 1, 2021.
5. Restrooms are required to be available during the hours of operation.
6. The applicant or owner shall obtain and submit proof of a liability insurance policy prior to Board of Supervisors approval.
7. The petitioner shall sign an "Acceptance of Conditions" form which provides assurance that all conditions will be met prior to the Board of Supervisors Resolution of Approval, and specifically agrees to hold Linn County harmless from any and all damages or claims for damages that might arise or accrue by reason of approval of the Temporary Use permit by the Linn County Board of Supervisors. Further, by signing the "Acceptance of Conditions" form, the petitioner shall agree to allow employees of the County reasonable access to the property for inspection and for submission of documents to verify any additional information.

**LINN COUNTY PLANNING & DEVELOPMENT (Building Division)**

1. An electrical permit is required for new electrical services and/or the installation of non-chord and plug electrical equipment associated with the batch plant.
2. Two permanent or portable restrooms shall be on-site and serviced for the duration of the operation of this concrete plant.

**LINN COUNTY ENGINEERING**

1. Placement of 6" thick macadam stone (or other clean crushed product approved by engineer) pad for aggregate stockpiles.

**IOWA DEPARTMENT OF TRANSPORTATION**

1. No conditions to be met.

**LINN COUNTY HEALTH DEPARTMENT**

1. Approval from the Air Quality Division for Air Quality Construction Permit.
2. Submit Notice of Relocation to Linn County Public Health at least seven (7) days prior to moving the equipment to the proposed location.

**LINN COUNTY SHERIFF'S OFFICE**

1. Supply an after-hours call list to the Sheriff's Office (must have more than 1 contact person).

**LINN COUNTY EMERGENCY MANAGEMENT**

1. Applicant shall submit a Severe Weather Plan for Special Events or Venues to the Linn County Emergency Management Agency for review and approval.

**LINN COUNTY E-911 COORDINATOR**

1. No conditions to be met.

**LINN COUNTY CONSERVATION**

1. No conditions to be met.

**NATURAL RESOURCE CONSERVATION SERVICE**

1. Applicant shall review operation and proposed addition with the Iowa DNR and Army Corps of Engineers and implement any required actions.
2. Applicant shall ensure that all stormwater runoff from the plant is contained on site.
3. Submit erosion and sediment control plan for review and acceptance.

**WHEREAS**, failure to comply with any of the above conditions in a timely manner will void this temporary use permit.


**NOW, THEREFORE, BE IT RESOLVED**, by the Linn County Board of Supervisors that said temporary use is hereby approved.

**Passed and approved this 11th day of August, 2021.**

Linn County Board of Supervisors

  
Chair

  
Vice Chair

  
Supervisor

Aye: 3

Nay: 0

Abstain: 0

Absent: 0

Attest:

  
Joe Miller, Linn County Auditor

  
Deputy

State of Iowa )  
                  ) SS  
County of Linn )

I, Joel Miller, County Auditor of Linn County, Iowa hereby certify that at a regular meeting of the said Board of Supervisors the foregoing resolution was duly adopted by a vote of:

\_\_\_ Aye \_\_\_ Nay \_\_\_ Abstain and \_\_\_ Absent from voting.

Joel Miller by Rebecca Sloop, Deputy  
Joel Miller

Subscribed and sworn to before me by the aforesaid Joel Miller, on this 11<sup>th</sup> day August, 2021.

Amanda Hoy  
Notary Public State of Iowa

