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

RESOLUTION # 2019-5-67

**WHEREAS**, Ivanhoe Properties LLC, owner; Manatts, Inc., petitioner; Case JTU19-0003, has requested the Linn County Board of Supervisors' permission to operate a portable concrete batch plant to be used for concrete and paving of the Mount Vernon Hwy 30 bypass, located at 927 Ivanhoe Cir, Mount Vernon, Iowa and 956 Ivanhoe Cir, Mount Vernon, Iowa.

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

1. The portable concrete plant will operate from April 8, 2019 and end by October 25, 2019.
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 properties are located at 927 Ivanhoe Cir., Mount Vernon, Iowa and 956 Ivanhoe Cir., Mount Vernon, Iowa.
4. 927 Ivanhoe Cir is zoned AG (Agricultural) and is 50.7 acres in size. 956 Ivanhoe Cir is zoned REC-AG (Seasonal Cabin and Recreation-Agricultural) and is 49.09 acres in size.
5. Approximately 3.5 acres will be used for the temporary use.
6. The owner of both properties is Ivanhoe Properties LLC.
7. The operator of the portable concrete plant will be Manatts Inc.
8. The plant may operate between the hours of 6:00 AM to 6:00 PM, Monday through Saturday.
9. The applicant estimates an increase to a maximum of 750 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 May 1, 2019, all interested persons having been heard;

**NOW THEREFORE, BE IT RESOLVED**, that the Linn County Board of Supervisors approve the application, Case JTU19-0003, 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 6:00 PM, six days a week.
4. The temporary use permit period will begin April 8, 2019 and expire no later than October 25, 2019.
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 SECONDARY ROAD DEPARTMENT**

1. Access to be in compliance with Linn County Secondary Road Department current standards prior event. Entrance permit required for all existing entrances.
2. Traffic control is to be provided by the property owner during operation. Traffic shall be maintained on Cedar River Road at all times.
3. The applicant shall be responsible for controlling dust on Cedar River Road for the duration of the concrete hauling.
4. The applicant shall be responsible for repairing any damage to the road and restoring it to its original condition. The Secondary Road Department shall document original condition of the road prior to project start.

**IOWA DEPARTMENT OF TRANSPORTATION**

1. No conditions to be met.

**LINN COUNTY HEALTH DEPARTMENT**

1. No conditions to be met. NOTE: Portable toilets will be located on the site. Recommend handwashing station also.

**LINN COUNTY SHERIFF'S OFFICE**

1. No conditions to be met.

**LINN COUNTY EMERGENCY MANAGEMENT**

1. A tone alert weather radio is required to be available on site and in use at any time the public is using the facility.

**LINN COUNTY CONSERVATION**

1. No conditions to be met.

**LINN COUNTY E-911 COORDINATOR**

1. No conditions to be met.

**NATURAL RESOURCE CONSERVATION SERVICE**

1. No conditions to be met.

**WHEREAS**, failure to submit and/or comply with any of the conditions in a timely manner will revoke 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 1 day of May, 2019.**

Linn County Board of Supervisors

Chair



Vice Chair



Supervisor

Aye: 2

Nay: 0

Abstain: 0

Absent: 1

Attest:

Joel Miller by Rebecca Sharp, Deputy  
Joel Miller, Linn County Auditor

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:

2 Aye 0 Nay 0 Abstain and 1 Absent from voting.

Joel Miller by Rebecca Sharp, Deputy  
Joel Miller

Subscribed and sworn to before me by the aforesaid Joel Miller, on this 1<sup>st</sup> day of May, 2019.

Karen L. Neshum  
Notary Public State of Iowa

9-8-20