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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 # 2020-6-73

**WHEREAS**, Roger Klouda, owner; Flynn Co. Inc., petitioner; Case JTU20-0002, has requested the Linn County Board of Supervisors' permission to operate a portable concrete batch plant to be used for an IDOT Highway 13 paving project, located in the 1900 Block of County Home Rd, Marion, SE ¼ SW ¼ Sec. 09-84-6.

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

1. The portable concrete plant will operate from July 1, 2020 and end by May 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 in the 1900 Block of County Home Road, Marion, Iowa, in the SE ¼ SW ¼ Sec. 09-84-6.
4. The subject property is zoned AG (Agricultural) and is 19.27 acres in size.
5. Approximately 4.0 acres will be used for the temporary use.
6. Roger Kouda is the owner of the subject property.
7. The operator of the portable concrete plant will be Flynn Co. 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 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 June 22, 2020, all interested persons having been heard;

**NOW THEREFORE, BE IT RESOLVED**, that the Linn County Board of Supervisors approve the application, Case JTU20-0002, 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, Monday through Saturday.
4. The temporary use permit period will begin July 1, 2020 and expire no later than May 1, 2021.
5. Restrooms and a handwashing station 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 County Home Road at all times.
3. The applicant shall be responsible for keeping County Home Road clear of mud and other debris associated with the concrete hauling for the duration of the project.
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. Handwashing station required.

**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.
2. A Severe Weather Plan shall be completed and submitted to Linn County EMA.

**LINN COUNTY CONSERVATION**

1. No conditions to be met.

**NATURAL RESOURCE CONSERVATION SERVICE**

1. Land disturbance greater than 1 acre in size, not associated with agricultural crop production, will require a NPDES permit granted by the Iowa Department of Natural Resources.
2. Submit storm water pollution prevention plan for review and acceptance prior to approval of plat and / or any site grading activities.
3. Submit erosion and sediment control plan for review and acceptance.

**WHEREAS**, failure to submit and/or comply with any of the conditions in a timely manner will revoke this Temporary Use Permit.

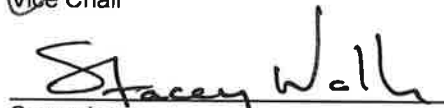
**NOW, THEREFORE, BE IT RESOLVED**, by the Linn County Board of Supervisors that said temporary use is hereby approved.

**Passed and approved this 24th day of June, 2020.**

Linn County Board of Supervisors

  
Chair

  
Vice Chair

  
Supervisor

Aye: 3  
Nay: 0  
Abstain: 0  
Absent: 0

Attest:

Joel Miller by Rebecca Shoop,  
Joel 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:

3 Aye 0 Nay 0 Abstain and 0 Absent from voting.

Joel Miller by Rebecca Shoop,  
Joel Miller Deputy

Subscribed and sworn to before me by the aforesaid Joel Miller, on this 24<sup>th</sup> day of June, 2020.

Amanda Hoy  
Notary Public State of Iowa

