

---

Prepared by and to be returned to: Mike Tertinger, Linn County Planning & Development  
935 2<sup>nd</sup> Street S.W., Cedar Rapids, Iowa 52404-2100 (319) 892-5130

RESOLUTION APPROVING A TEMPORARY USE

RESOLUTION # 2021-5-70

**WHEREAS**, Bill & Donna Warhover, owners and petitioners, Case JTU21-0003, have requested the Linn County Board of Supervisors' permission to hold seasonal outdoor food truck events at the Morning Glory Farm & CSA operation located at 681 Hwy 1 South, Mount Vernon, Iowa.

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

1. The outdoor events will be held on Fridays, Saturdays and/or Sundays from June 1 through November 1, 2021 at 681 Hwy 1, Mount Vernon, IA.
2. There will be approximately 20 total events held between June 1 and November, 2021.
3. The events will be open to the public between the hours of 7:00 a.m. and 10:00 p.m.
4. The events will host approximately 100-120 visitors over the course of each 6-8 hour event.
5. No building or structure will be utilized during the events.
6. No signage is proposed with the application.
7. The petitioners will provide portable toilets and handwashing stations.
8. Food trucks will be on site. Appropriate licensing, permits and insurance are required by various departments.
9. The maximum number of vehicles estimated to travel to this location for each event is approximately 50-60, not including vendors, over the course of each 6-8 hour event day.
10. Parking for all vehicles will be provided on site, and on the adjacent parcel to the north, in an area that is leased by the petitioners. The petitioners have received written permission from the owner of that property (Mount Vernon Development Group, LLC) to allow parking for events in this area; this document is on file in the Planning & Development department.
11. The subject properties include GPNs 17-16-426-002-00000 and 17-16-426-003-00000, containing a total of 19.95 acres, with approximately 3.0 acres of the two parcels allocated for the temporary use activity.
12. The subject properties are located in the AG (Agricultural) zoning district.
13. The subject parcels have a Rural Land Use Map designation of NMUSA (Non-Metro Urban Service Area).

**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 17, 2021, all interested persons having been heard;

**NOW THEREFORE, BE IT RESOLVED**, that the Linn County Board of Supervisors approve the application, Case JTU21-0003, 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.
4. The temporary use permit period will begin June 1 and expire no later than November 1, 2021.
5. Parking for 35-45 vehicles as indicated on the application shall be provided.
6. Restrooms with handwashing stations are required to be available during the hours of operation.
7. The petitioners shall obtain and submit proof of a liability insurance policy prior to Board of Supervisors approval.
8. 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.
9. Temporary off site signs may be allowed, provided that:
  - a. Temporary signs shall not exceed 32 square feet in surface area or exceed 12 feet in height or eight feet in width on a lot in any zoning district. There shall be no more than five such signs for each lot street frontage, and such signs shall be removed no later than 30 days following the accomplishment of activities indicated by such sign.
  - b. Temporary signs shall not be illuminated.
  - c. Temporary signs shall not be allowed on any road, street, or highway right-of-way.

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

1. If required, an electrical permit may be obtained by a licensed electrical contractor at Linn County Planning and Development.
2. Platforms or structures planned for this event are required to meet building code requirements.

**NATURAL RESOURCES & CONSERVATION SERVICE**

1. No conditions to be met.

**LINN COUNTY ENGINEERING DEPARTMENT**

1. No conditions to be met.

**LINN COUNTY CONSERVATION DEPARTMENT**

1. No conditions to be met.

**IOWA DEPARTMENT OF TRANSPORTATION**

1. No conditions to be met.

**LINN COUNTY HEALTH DEPARTMENT**

1. Below is a list of the conditions should the board of supervisors approve the event this year.
  - Addition of rules sign at the main event entrance with rules and recommendations for the event (to include social distancing of at least 6', encouraging mask usage, encouraging good personal hygiene – covering coughs/sneezes, washing hands more frequently, etc.).
  - Implement disinfection process for common touch surfaces throughout the grounds (portable toilets, sinks, tables, chairs, etc.).
  - Handwashing station(s) shall be provided along with the portable toilet facilities.
2. As a reminder, Linn County Public Health tier 4 recommendations Limit indoor/outdoor gatherings with defined borders to the lesser of 100 or 50% of room capacity. Community events without defined borders should be paused at this time. These recommendations are subject to change based upon local COVID-19 case data at the time of your event. For most up to date recommendations visit: <https://covid-19-metrics-linn-county-linncounty-gis.hub.arcgis.com/>.

**LINN COUNTY SHERIFF'S OFFICE**

1. An after hours call list shall be supplied to the Linn County Sheriffs Office for emergency situations.
2. If a traffic problem would occur, contact shall be made to the Linn County Sheriffs Office to help alleviate the problem.
3. Traffic control is to be provided by the applicant during operation. Traffic shall be maintained on Highway 1 at all times.
4. There will be no parking allowed on Highway 1 at any time.

**LINN COUNTY EMERGENCY MANAGEMENT**

1. A tone alert weather radio is required to be on site.
2. Procedures to provide shelter for event attendees during severe weather shall be identified in a Severe Weather Plan and this information shall be provided to each attendee.

**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 <sup>19</sup>17<sup>th</sup> day of May, 2021.

Linn County Board of Supervisors

  
Chair

[Signature]  
Vice Chair

[Signature]  
Supervisor

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

Attest:

[Signature]  
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:

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

[Signature]  
Joel Miller

Subscribed and sworn to before me by the aforesaid Joel Miller, on this 17<sup>th</sup> day of May, 2021.

[Signature]  
Notary Public State of Iowa

