

Resolution 2022-30

APPROVAL OF WAIVER OF FRANKLIN COUNTY'S RIGHT TO APPEAL ISSUANCE OF FINAL CONSTRUCTION PERMIT FOR THE CONSTRUCTION OF CONFINED ANIMAL FEEDING OPERATION BY THE IOWA DEPARTMENT OF NATURAL RESOURCES.

BE IT RESOLVED by the Franklin County Board of Supervisors as follows:

SECTION 1 – The Franklin County Board of Supervisors have received notice from the Iowa Department of Natural Resources that Rose Grove LLC has been issued a draft permit for the construction of a confined animal feeding operation building at SE ¼ ¼ in the SE ¼ of Section 30, T90N R22W in Oakland Township along Balsam Avenue in unincorporated Franklin County.

SECTION 2 – The Franklin County Board of Supervisors reviewed the construction permit application and the manure management plan and determined that both appeared to be in compliance with the requirements of the Master Matrix, Iowa Code Section 459 and Iowa DNR rules and recommend approval of said application on May 9th, 2022.

SECTION 3 – the Franklin County Board of Supervisors hereby waives its right to appeal the issuance of the final permit within the fourteen (14) day limit from the time of receipt of notice of the issuance of the draft permit.

SECTION 4 – The Franklin County Board of Supervisors encourages the Iowa DNR to issue the Final Permit immediately upon notification of this waiver.

SECTION 5 – The Franklin County Board of Supervisors authorizes the Board Chairman to notify the Iowa DNR of this waiver.

SECTION 6 – This resolution shall take effect immediately.

PASSED AND ADOPTED this 9th day of May 2022.



Gary McVicker, Chairman Board of Supervisors

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Board of Supervisors of Franklin County, Iowa, at a regular meeting held on 5/9/2022, by the following vote:


AYES: McVicker, Vanness

NAYS:

ABSTENTIONS:

ABSENT: Nolte

ATTEST:



Katy A Flint, Auditor and Clerk to Board



Franklin County Board of Supervisors
12 – 1st Ave. NW, PO Box 26
Hampton, Iowa 50441
Website: <http://co.franklin.ia.us>

5/8/2022

Attn: Cindy Garza
Iowa DNR, Field Office #2
2300 15th St. SW
Mason City, Iowa 50401

RE Owner: Rose Grove, LLC
 Name of Operation: Rose Grove North
 Location: SE ¼ ¼ of SE 1/4 , Section 30, T90N R22W, Oakland Township, Franklin County

Dear Ms Garza:

The Franklin County Board of Supervisors is in receipt of the draft permit for Rose Grove North site confinement construction permit. The Board understands that it had the right to appeal the issuance of a final construction permit within 14 day after its receipt of the draft permit under Iowa Code Section 459.304 and Iowa Administrative Rule 567-65.10(7).

After consideration of this matter, the Board supports allowing construction to begin as soon as possible. The Board voted unanimously to unconditionally and irrevocably waive its rights to appeal the above referenced construction permit and we would ask the Iowa DNR issue the final permit to Rose Grove LLC immediately.

By waiving its rights to appeal the Rose Grove LLC permit, the Board does not in any way waive its rights to appeal any other confinement construction permit that may have been issued by the Iowa DNR to livestock producers in Franklin County in the future.

Sincerely, *Gary McVicker*

Chairman, Board of Supervisors

Michael Nolte
District 1 Supervisor

Gary McVicker
District 2 Supervisor

Chris Vannes
District 3 Supervisor