

Request: The applicants are requesting an Amendment to an existing Conditional Use Permit for expansion of the existing borrow pit to expand 500-feet to the north and to extend the current expiration date by an additional approximately eight (8) years, through December 31, 2027.

Subject Property / Surrounding Land Uses:

The subject property is located at 7605 NE 46th Street, Bondurant, and includes two (2) separate parcels totaling approximately 54.3 acres. The property is located within the Northwest $\frac{1}{4}$ of Section 34 of Township 80 North, Range 34 West of the 5th P.M. (Douglas Township) and has approximately 1,810 feet of frontage along NE 46th Street. If approved, this Conditional Use Permit would allow the expansion of the borrow pit within the areas identified on *Attachment A* at the end of this report.

The subject property is legally described as follows:

West Parcel:

That part of the north 60 acres of the west one-half of the northwest quarter of Section 34, Township 80 North, Range 23, West of the 5th P.M., Polk County, Iowa, described as follows:

Beginning at a point being 964.50 feet south 00 degrees 00 minutes east of the northwest corner of said Section 34, thence South 87 degrees 37 minutes 55 seconds east, 432.73 feet, thence south 00 degrees 00 minutes 00 seconds east, 459.85 feet, thence south 88 degrees 43 minutes 19 seconds east, 69.49 feet, thence south 01 degrees 46 minutes 31 seconds east, 282.78 feet, thence north 89 degrees 06 minutes 36 seconds east, 87.56 feet, thence south 00 degrees 26 minutes 16 seconds east, 251.28 feet to the point on the south line of the north 60 acres of the West $\frac{1}{2}$ of the NW $\frac{1}{4}$ of said Section 34, thence south 89 degrees 45 minutes 34 seconds west, along the south line of the north 60 acres of the West $\frac{1}{2}$ of the NW $\frac{1}{4}$ of said Section 34, 600.07 feet to the SW corner of said north 60 acres of the West $\frac{1}{2}$ of the NW $\frac{1}{4}$ of said Section 34; then north 00 degrees 00 minutes 00 seconds west, along the west line of the NW $\frac{1}{4}$ of said Section 34, thence north 00 degrees 00 minutes 00 seconds west, along the west line of the NW $\frac{1}{4}$ of said section 34, and also along the centerline of county road, 634.88 feet; thence north 85 degrees 48 minutes 07 seconds east, 243.38 feet; thence north 00 degrees 00 minutes 00 seconds west, 100.00 feet; thence south 90 degrees 00 minutes 00 seconds east, 30.00 feet, thence north 00 degrees 00 minutes 00 seconds west, 45.00 feet, thence north 90 degrees 00 minutes 00 seconds west, 30.00 feet, thence south 00 degrees 00 minutes 00 seconds east, 30.00 feet, thence north 87 degrees 37 minutes 55 seconds west, 242.73 feet to a point on the west line of the northwest $\frac{1}{4}$ of said Section 34; thence north 00 degrees 00 minutes 00 seconds west, along the west line of the NW $\frac{1}{2}$ of said Section 34, and also along the centerline of county road, 236.64 feet to the point of beginning, subject to legally established highways, and except that part there of conveyed to Polk County, Iowa, by warranty deed recorded in Book 6324 on Page 332.

East Parcel:

The North 60 acres of the West one-half (W ½) of the Northwest Quarter (NW ¼) in Section 34, Township 80 North, Range 23 West of the 5th P.M., Polk County, Iowa, EXCEPT those parts therefore conveyed to Polk County, Iowa by Warranty Deeds recorded in Book 8766 on Page 260, and in Book 6324 on Page 290,

AND EXCEPT

Beginning 1201.14 feet South of the Northwest corner of the Northwest Quarter (NW ¼) of Section 34, Township 80 North, Range 23 West of the 5th P.M., thence East 242.73 feet, thence North 30 feet, thence East 30 feet, thence South 45 feet, thence West 30 feet, thence South 100 feet, thence West 243.18 feet, thence North 142.83 feet to the point of beginning, except the West 80 feet thereof,

AND EXCEPT

That part of the North 60 acres of the West one-half (W ½) of the Northwest Quarter (NW ¼) of Section 34, Township 80 North, Range 23 West of the 5th P.M., Polk County, Iowa, described as follows:

Beginning at a point being 964.50 feet south 00° 00' 00" East of the Northwest corner of said Section 34; thence south 87° 37' 55" East, 432.73 feet; thence South 00° 00' 00" East, 459.85 feet; thence South 88° 43' 19" East 69.49 feet; thence South 01° 46' 31" East, 282.78 feet; thence North 89° 06' 36" East, 87.56 feet; thence South 00° 26' 16" East; 251.28 feet to the point on the South line of the North 60 acres of the West ½ of the NW ¼ of said Section 34, thence south 89° 45' 34" West, along the South line of the North 60 acres of the West ½ of the NW ¼ of said Section 34, 600.07 feet to the SW corner of said North 60 acres of the West ½ of the NW ¼ of said Section 34, thence North 00° 00' 00" West, along the West line of the NW ¼ of said Section 34, and also along the Centerline of County Road, 634.88 feet; thence North 85° 48' 07" East, 243.18 feet; thence North 00° 00' 00" West, 100.00 feet; thence South 90° 00' 00" East, 30.00 feet; thence North 00° 00' 00" West, 45.00 feet; thence North 90° 00' 00" West, 30.00 feet; thence South 00° 00' 00" East, 30.00 feet; thence North 87° 37' 55" West, 242.73 feet to a point on the West line of the Northwest ¼ of said Section 34; thence North 00° 00' 00" West, along the West line of the NW ¼ of said Section 34, and also along the Centerline of County Road, 236.64 feet to the point of beginning, subject to legally established highways, and except that part thereof conveyed to Polk County, Iowa, by Warranty Deed recorded in Book 6324 on Page 331.

The subject property is bordered by NE 46th Street to the west and NE 78th Avenue to the north. The property is zoned "AG" Agricultural District. See *Attachment B* at the end of this report for a vicinity map of the subject property. Surrounding land is primarily in row crop production with a few scattered rural residential acreages adjacent to the west and north of the subject property. The closest residence to the excavation site is located just southwest of the subject property and was established prior to this extraction operation. There are 11 single-family homes located on parcels adjacent to the subject property. These lots were established prior to the operation of the borrow pit on this property and most of them are zoned "AG" Agricultural District with properties adjacent to the west zoned as "AT" Agricultural Transition District.

Application Details / Discussion:

Previously approved Conditional Use Permits by the Polk County Board of Adjustment from 2011 and 2013 have permitted and amended borrow pit extraction activities on the subject property. The most recent Conditional Use Permit approved in 2013 changed the end use of the Conditional Use Permit from prairie, pasture or farmland use to a farm pond and extended the operation an additional six (6) years at an annual average removal rate of 12,500 cubic yards with the capacity to extract approximately 400,000 cubic yards from the property. The approval of the Amended Conditional Use Permit allowed for the operation to continue for a total of eight (8) years with an expiration at the end of 2021. This is the date by which all extraction activities, reclamation and implementation of the property's end use plan was to be completed. At this time, the applicant requests to extend this current expiration date by approximately eight (8) years, or through December 31, 2027. The proposal is to meet an annual average removal rate of 12,500 cubic yards with the capacity to extract approximately 140,000 cubic yards from the property. See *Attachment A* at the end of this report that includes an exhibit showing the areas of the property that will continue to be excavated along with the proposal showing additional excavation of 500-feet to the north of the existing boundary. The applicant summarized their request as follows:

"This conditional use permit is to allow the existing borrow pit operations to expand 500 ft to the north. The expanded use will maintain the 150' setback from the east property line and is to allow for the additional excavation of 140,000 cy of soil to be used for current and future local projects. The end plan for this operation is to create an area of positive drainage to a proposed farm pond with the surrounding land being returned to either prairie/pasture or farmland. It is estimated that excavation will occur for 8 years to reach the proposed excavation volumes. 8.5 acres will be disturbed to allow for this excavation."

Public Testimony

The notices were mailed out to 13 property owners within 500 feet of the subject property. To-date staff have received two (2) responses in opposition. The Polk County Planning Division has received recent complaints regarding the noise of the operation at times occurring late at night. A couple of complaints have been received regarding the required 150-foot setback buffer located along the east property line. The conditions located within the Recommendation address resolutions for complaints regarding the current and proposed excavation operation.

Natural Resources / Environmental

The property is located within the 1% annual chance floodplain, Zone AE, on the current FEMA Flood Insurance Rate Map for Polk County. All excavation activity for the borrow pit including the existing residential homes on the property are located outside of the floodplain. The Muchikinock creek extends through the southwest portion of the subject property crossing the road and meandering to the north and south. Another creek is located in the north portion of the subject property and it also crosses the road and ties into the Muchikinock creek. Woodlands exist along both sides of the creek. A partial tree line is located along the southern property line. The majority of the subject property consists of farm field. The current end use plan for the site was approved in 2013, and consists of a large farm pond, including berms and landscaping. The petitioner is required to meet the State of Iowa Stormwater Pollution Prevention Plan SWPPP and the Polk

County Natural Resource Protection requirements including the Stormwater Drainage and Soil Erosion Control Management and Noise Ordinance requirements.

Roads / Utilities

The property has accessible frontage onto NE 46th Street, a paved, two-lane, local roadway and NE 78th Avenue, a paved, two-lane, major collector, both maintained by Polk County. The borrow pit is only accessed from NE 46th Street.

Analysis

The Board of Adjustment in reviewing an application for a Conditional Use permit shall consider the proposal in terms of:

1. Existing zoning and land use in the vicinity of the uses.

The subject property and surrounding area to the north, east and south are zoned “AG” Agricultural District. Adjacent properties to the west are zoned “AT” Agricultural District. Land uses in vicinity of the subject property are primarily large agricultural parcels in row crops and pasture land with existing creeks, woodlands and floodplain. There are 11 residences located primarily to the west and north within the 500 feet notification radius of the subject property.

2. Planned and proposed public and private development, which may be adversely affected by the proposed use.

There are no major public or private developments planned in the area.

3. Whether and to what extent the proposed use, at the particular location for which it is suggested, is necessary or desirable to provide a development which is in the interest of the public convenience or which will contribute to the general welfare of the area or Polk County.

Dirt has been extracted from the subject property since 2007 and used for numerous projects in Polk County. A farm pond is proposed for the end use with surrounding land being restored back to row crop, prairie and pasture. The farm pond identified in the submittal will likely be beneficial to the applicant, adjacent land owners and may serve as a habitat for wildlife. The amendment request would allow an extension of this existing Conditional Use Permit for an additional eight (8) years to allow excavation of an additional approximately 140,000 cubic yards of dirt for local projects.

4. Whether and to what extent all steps possible have been taken by the developer to minimize any adverse effects of the proposed use on the immediate vicinity and on the public health, safety and welfare in general.

See staff’s recommended conditions of approval at the end of the report. The proposal will require an updated site plan to be submitted for review and approval prior to expansion of the borrow pit. Access to the extraction area is south of the existing access used by the property owner. Truck traffic will have a mandatory requirement to utilize a truck route taking access north on NE 46th Street unless approved by Polk County via a special permit. The implementation of the end use plan will ensure that grading and restoration is

completed in accordance with an updated and approved site plan.

Findings

The application shall be denied if the Board of Adjustment finds any of the following:

- a. **The application and record fail to establish compliance with the standard made applicable to the proposed development by the provision of this Ordinance.**

Extraction uses are permitted within the “AG” Agricultural District upon the granting of a Conditional Use Permit by the Polk County Board of Adjustment. The application will be in compliance with the granting of the Conditional Use Permit by the Polk County Board of Adjustment and compliance and/or completion of the conditions identified in this staff recommendation.

- b. **The proposed use, developed in the proposed manner, and at the proposed location, would be inconsistent with the standards pursuant to the provisions of this Ordinance.**

If this timeline extension is granted, Elder Corporation is required to comply with all conditions of approval and submit an updated site plan for the property in addition to an as built survey identifying the required 150-foot eastern buffer.

- c. **The adverse impacts on the overall public health, safety and welfare are not balanced by the public or private benefits of the proposal. The Board of Adjustment shall include in this balance, any proposals of the applicant and any conditions that it might impose on the development, pursuant to the provisions of this Ordinance, to ameliorate problems associated with the development.**

See recommended conditions of approval at the end of this report.

In addition, no application for a Conditional Use Permit shall be approved unless the Board of Adjustment specifically finds the proposed conditional use appropriate in the location for which it is proposed. This finding shall be based on the following criteria:

- A. **The proposed use is not in harmony with the general purpose, goals, objectives, and standards of the following:**

1. **Polk County Comprehensive Plan:** The proposal is consistent with the goals and policies of the 2030 Polk County Comprehensive Plan. Most of the material extracted from the borrow pit area was non-tillable land and according to the Polk County Soils Survey, consists of some variation of wet soils. The material extracted from the subject property benefited several projects in the County, and upon completion, the borrow pit/extraction area will be converted to a farm pond.

2. **Polk County Zoning Ordinance:** The Ordinance allows the continuation of the use, pending approval of this Conditional Use Permit.

3. **Other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the County:** The petitioner will be required to meet the Polk

County Noise Ordinance, maintain a dust free surface on drives, and keep roads free of dirt and debris.

B. The proposed location of the use is not consistent with policies or provisions of the following:

1. **Comprehensive Plan:** The proposed location of the use appears to be consistent with some of the goals of the 2030 Polk County Comprehensive Plan. The use is adjacent to a previous extraction use to the south of the subject property.
2. **Polk County Zoning Ordinance:** The use is permitted in the zoning district subject to Conditional Use Permit approval and a site plan update.
3. **Other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the County:** The applicant will be required to meet the Polk County Natural Resource Protection requirements including Stormwater Drainage and Erosion Control Management, Polk County Noise Ordinances, and Polk County Air Quality requirements to reduce any errant dust generated from the site.

C. The proposed use at the proposed location results in a substantial or undue adverse effect on any of the following either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of the Comprehensive Plan, this Ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the County or other governmental agency having jurisdiction to guide growth and development:

1. **Adjacent property:** The applicant previously obtained setback variances from the extraction use to the south property line and to the north adjacent residential property. A previous borrow pit was located on part of the south property. The use is adjacent to large agricultural parcels and residences. The earthen berm on the west end of the borrow pit should be beneficial in partially buffering the use from the adjacent residences located to the west of the borrow pit area and from motorists traveling on NE 46th St. The soil erosion materials as shown on the previous SWPPP map should also assist in preventing soil loss and siltation. A 150-foot buffer shall be maintained from the eastern property line to protect adjacent land from erosion.
2. **Character of the neighborhood:** The character of the area consists primarily of agricultural land, residences, creeks, woodlands and floodplain. The use is temporary and provides regional benefits. The future farm pond will likely enhance the property and the area.
3. **Traffic conditions:** Existing and future truck traffic to and from the site is permitted along approved haul routes. The petitioner will be required to meet Polk County transportation requirements. Haul trucks are required to use the north bound lane of NE 46th Street when leaving the site and NE 78th Avenue. According to the

applicant, average daily traffic counts are anticipated to be approximately 10.

4. **Parking:** No paved drives and parking are required due to the limited number of average daily vehicle trips. The applicant will be required to meet Polk County Air Quality requirements to reduce any errant dust generated from the subject property.
5. **Public improvements:** The increase in heavy truck traffic will likely require ongoing review for repairs and the operator will need to be responsible for repairs to the roadway. See suggested conditions from Recommendation below.
6. **Public sites or rights-of-way:** The entrance area will be required to meet Polk County Public Works requirements in accordance to the approved site plan.
7. **Other matters affecting the public health, safety, and general welfare:** The petitioners will be required to meet the Polk County Noise Ordinance requirements.

D. The proposed use in the proposed area is not adequately served by or imposes an undue burden on any of the following.

1. **Public improvements:** Adequate for proposed use.
2. **Public facilities:** Adequate for proposed use.
3. **Public utilities:** Adequate for proposed use.
4. **Public services:** Adequate for proposed use.

Recommendation

Staff recommends approval of the amended Conditional Use Permit for continued dirt extraction from the existing borrow pit with expansion 500-feet to the north and to extend the current expiration date through December 31, 2027, with the end use as a farm pond and surrounding land returned to prairie, pasture or farm land. Approval is subject to the following conditions:

1. All previous Conditional Use Permits issued for the subject property are void and shall be replaced by the approval and subsequent conditions of this Permit applying only to the current titleholder (Dvorak) and Elder Corporation. All previous variances granted to the subject property shall continue to run with the land.
2. The Conditional Use Permit to extract dirt from the borrow pit on the subject property shall be for eight (8) years. A new Conditional Use Permit will be required from the Polk County Board of Adjustment to expand the extraction use boundary beyond boundaries shown on an approved site plan and as shown on the Conditional Use Exhibit or to extend the operation beyond eight (8) years.

3. Extraction of dirt may only occur within the borrow limits as shown on the Conditional Use Exhibit and on an approved site plan drawing.
4. An as-built survey will be required to confirm that the 150-foot required buffer along the eastern property line is being met.
5. Hours of operation for the extraction activity are limited to 7:00 AM to 5:30 PM. If a project requires extended hours then an amended Conditional Use Permit will be required specific to the project requiring the extended hours. The Petitioner will be required to provide specifically timeframes including the start and end times, dates of operation and identification of the specific needs of that project.
6. The petitioner shall meet State of Iowa Stormwater Pollution Prevention Plan (SWPPP) requirements and meet Polk County Natural Resource Protection requirements including Stormwater Drainage and Erosion Control Management, and the protection of streams and drainageways. Also, any area of standing water shall be frequently drained in accordance to the SWPPP and County requirements.
7. Prior to the completion of the extraction use, the borrow pit site shall be converted to a pond along with restoration of the surrounding land as identified on the End Use Plan Sheet 3 of *Attachment A*.
8. Prior to completing the extraction activity at the subject property, the grade of the subject property along the south 50 feet adjacent to the current borrow pit area shall be restored to match the grade of the north area of the south adjacent property. The required 4:1 slope (for future pond) shall begin 50-feet north of the south property line in the extraction area.
9. The operation shall comply with all Polk County Air Quality Division requirements to maintain dust free surfaces on drives, reduce errant dust generated from the subject property, and clean all dirt and mud generated by the site from adjacent roadways.
10. Polk County Board of Health Rules & Regulations Chapter V – Air Pollution, Article IX, Division 1, Section 5-23 shall be followed to minimize fugitive dust.
11. The petitioner shall comply with the Polk County Noise Ordinance requirements. Also, no artificial lighting is permitted on the subject property for the extraction use.
12. The operator shall submit an updated site plan prepared by a licensed engineer within six (6) months of the approval of this Conditional Use Permit. The site plan shall cover the entire subject property, including an update to the operational/phasing plan, landscaping and end use plans, and shall demonstrate compliance with the Ordinance for a commercial extraction operation. The operation will be required to comply with the landscaping requirements for street buffer yard landscaping along all frontages of the property while in operation.
13. Due to the thin lift pavement on NE 46 St., it is likely that NE 46 St. from the entrance to the borrow pit, north to NE 78 Ave., will experience pavement and subbase damage throughout the time period of the Conditional Use Permit. Therefore, the Elder Corporation shall be responsible for the costs to repair any road damage that the County,

as represented by the Public Works Department, shall determine is directly caused by the heavy truck traffic on NE 46th Street from the pit entrance, north to NE 78 Ave. Trucks exiting the site will not be allowed to go south so as to confine the damage to NE 46 St. north of the pit.

a. On or about April 1st of each year, the County Engineer or his representative shall review NE 46 St. north of the pit entrance and determine what damage is due to the heavy loads of extracted material from the pit and what repairs are needed to maintain safe traffic. The County will forward the identified repairs to the Elder Corporation who must complete the repairs within 30 days of notification.

b. If emergency repairs are needed throughout the rest of the year, the County shall contact the Elder Corporation to arrange a site review and course of action. If the Elder Corporation cannot repair in a timeframe acceptable to the County, the County shall arrange for repairs to be made and forward such costs to the Elder Corporation for reimbursement.

c. Upon the closure of the borrow pit, a final review of the roadway will be conducted to determine if any remaining repairs shall be made by the Elder Corporation.

d. The Elder Corporation shall file a bond with the County by May 1st each year equal to the cost to place a 1.5" HMA overlay on NE 46 St. from the pit entrance, north to NE 78 Ave. The Elder Corporation shall obtain this cost of this bond from the County prior to issuance.

14. Failure to abide by any of these terms shall result in the immediate suspension of the Conditional Use Permit until such issues are resolved to the County's satisfaction.

The applicants have shared with staff that they will have an upcoming project next year that will require extended hours to allow hauling at night per the Iowa Department of Transportation regulations. They will need to apply for an amendment to this Conditional Use Permit to request the extended hours specific to the project and providing details of the project, timeframes and specific start and end times.

PRELIMINARY - NOT FOR CONSTRUCTION

BONDURANT BORROW PIT CONDITIONAL USE EXHIBIT

PROPERTY DESCRIPTION:

WEST PARCEL:
THAT PART OF THE NORTH 60 ACRES OF THE WEST ONE HALF OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 80 NORTH, RANGE 23, WEST OF THE 5TH P.M., POLK COUNTY, IOWA, DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT BEING 964.50 FEET SOUTH 00 DEGREES 00 MINUTES EAST OF THE NORTHWEST CORNER OF SAID SECTION 34, THENCE SOUTH 87 DEGREES 37 MINUTES 55 SECONDS EAST, 432.73 FEET, THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 459.85 FEET, THENCE SOUTH 88 DEGREES 43 MINUTES 19 SECONDS EAST, 69.49 FEET, THENCE SOUTH 01 DEGREES 46 MINUTES 31 SECONDS EAST, 282.78 FEET, THENCE NORTH 89 DEGREES 06 MINUTES 36 SECONDS EAST, 87.56 FEET, THENCE SOUTH 00 DEGREES 26 MINUTES 18 SECONDS EAST, 251.28 FEET TO THE POINT ON THE SOUTH LINE OF THE NORTH 60 ACRES OF THE WEST 1/2 OF THE NW 1/4 OF SAID SECTION 34, THENCE SOUTH 89 DEGREES 45 MINUTES 34 SECONDS WEST, ALONG THE SOUTH LINE OF THE NORTH 60 ACRES OF THE WEST 1/2 OF THE NW 1/4 OF SAID SECTION 34, 600.07 FEET TO THE SW CORNER OF SAID NORTH 60 ACRES OF THE WEST 1/2 OF THE NW 1/4 OF SAID SECTION 34, THEN NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, ALONG THE WEST LINE OF THE NW 1/4 OF SAID SECTION 34, THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, 634.88 FEET, THENCE NORTH 85 DEGREES 48 MINUTES 07 SECONDS EAST, 243.38 FEET, THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, 100.00 FEET, THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, 30.00 FEET, THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, 45.00 FEET, THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, 30.00 FEET, THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 30.00 FEET, THENCE NORTH 87 DEGREES 37 MINUTES 55 SECONDS WEST, 242.73 FEET TO A POINT ON THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 34; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, ALONG THE WEST LINE OF THE NW 1/4 OF SAID SECTION 34, 600.07 FEET TO THE POINT ON THE CENTERLINE OF COUNTY ROAD, 236.84 FEET TO THE POINT OF BEGINNING, SUBJECT TO LEGALLY ESTABLISHED HIGHWAYS, AND EXCEPT THAT PART THEREOF CONVEYED TO POLK COUNTY, IOWA, BY WARRANTY DEED RECORDED IN BOOK 6324 ON PAGE 332.

EAST PARCEL:
THE NORTH 60 ACRES OF THE WEST ONE-HALF (W 1/2) OF THE NORTHWEST QUARTER (NW 1/4) (EXCEPT THE WEST 16 RODS OF THE NORTH 10 RODS THEREOF) IN SECTION 34, TOWNSHIP 80 NORTH, RANGE 23 WEST OF THE 5TH P.M., POLK COUNTY, IOWA, EXCEPT THAT PART THEREOF CONVEYED TO POLK COUNTY, IOWA, BY WARRANTY DEED RECORDED APRIL 6, 2001 IN BOOK 8766 ON PAGE 260, AND EXCEPT BEGINNING 1201.14 FEET SOUTH OF THE NORTHWEST CORNER OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 34, TOWNSHIP 80 NORTH, RANGE 23 WEST OF THE 5TH P.M., THENCE EAST 242.73 FEET, THENCE NORTH 30 FEET, THENCE EAST 30 FEET, THENCE SOUTH 45 FEET, THENCE WEST 30 FEET, THENCE SOUTH 100 FEET, THENCE WEST 243.18 FEET, THENCE NORTH 42.83 FEET TO THE POINT OF BEGINNING, EXCEPT THE WEST 60 FEET THEREOF, AND EXCEPT THAT PART OF THE NORTH 60 ACRES OF THE WEST ONE-HALF (W 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 34, TOWNSHIP 80 NORTH, RANGE 23 WEST OF THE 5TH P.M., POLK COUNTY, IOWA, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT BEING 964.50 FEET SOUTH 00 DEGREES 00 MINUTES EAST OF THE NORTHWEST CORNER OF SAID SECTION 34, THENCE SOUTH 87 DEGREES 37 MINUTES 55 SECONDS EAST, 432.73 FEET, THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 459.85 FEET, THENCE SOUTH 88 DEGREES 43 MINUTES 19 SECONDS EAST, 69.49 FEET, THENCE SOUTH 01 DEGREES 46 MINUTES 31 SECONDS EAST, 282.78 FEET, THENCE NORTH 89 DEGREES 06 MINUTES 36 SECONDS EAST, 87.56 FEET, THENCE SOUTH 00 DEGREES 26 MINUTES 18 SECONDS EAST, 251.28 FEET TO THE POINT ON THE SOUTH LINE OF THE NORTH 60 ACRES OF THE WEST 1/2 OF THE NW 1/4 OF SAID SECTION 34, THENCE SOUTH 89 DEGREES 45 MINUTES 34 SECONDS WEST, ALONG THE SOUTH LINE OF THE NORTH 60 ACRES OF THE WEST 1/2 OF THE NW 1/4 OF SAID SECTION 34, 600.07 FEET TO THE SW CORNER OF SAID NORTH 60 ACRES OF THE WEST 1/2 OF THE NW 1/4 OF SAID SECTION 34; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, ALONG THE WEST LINE OF THE NW 1/4 OF SAID SECTION 34, AND ALSO ALONG THE CENTERLINE OF COUNTY ROAD, 634.88 FEET, THENCE NORTH 85 DEGREES 48 MINUTES 07 SECONDS EAST, 243.38 FEET, THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, 100.00 FEET, THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, 30.00 FEET, THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, 45.00 FEET, THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, 30.00 FEET, THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 30.00 FEET, THENCE NORTH 87 DEGREES 37 MINUTES 55 SECONDS WEST, 242.73 FEET TO A POINT ON THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 34, AND ALSO ALONG THE CENTERLINE OF COUNTY ROAD, 236.84 FEET TO THE POINT OF BEGINNING, SUBJECT TO LEGALLY ESTABLISHED HIGHWAYS, AND EXCEPT THAT PART THEREOF CONVEYED TO POLK COUNTY, IOWA, BY WARRANTY DEED RECORDED IN BOOK 6324 ON PAGE 331.

GENERAL NOTES:

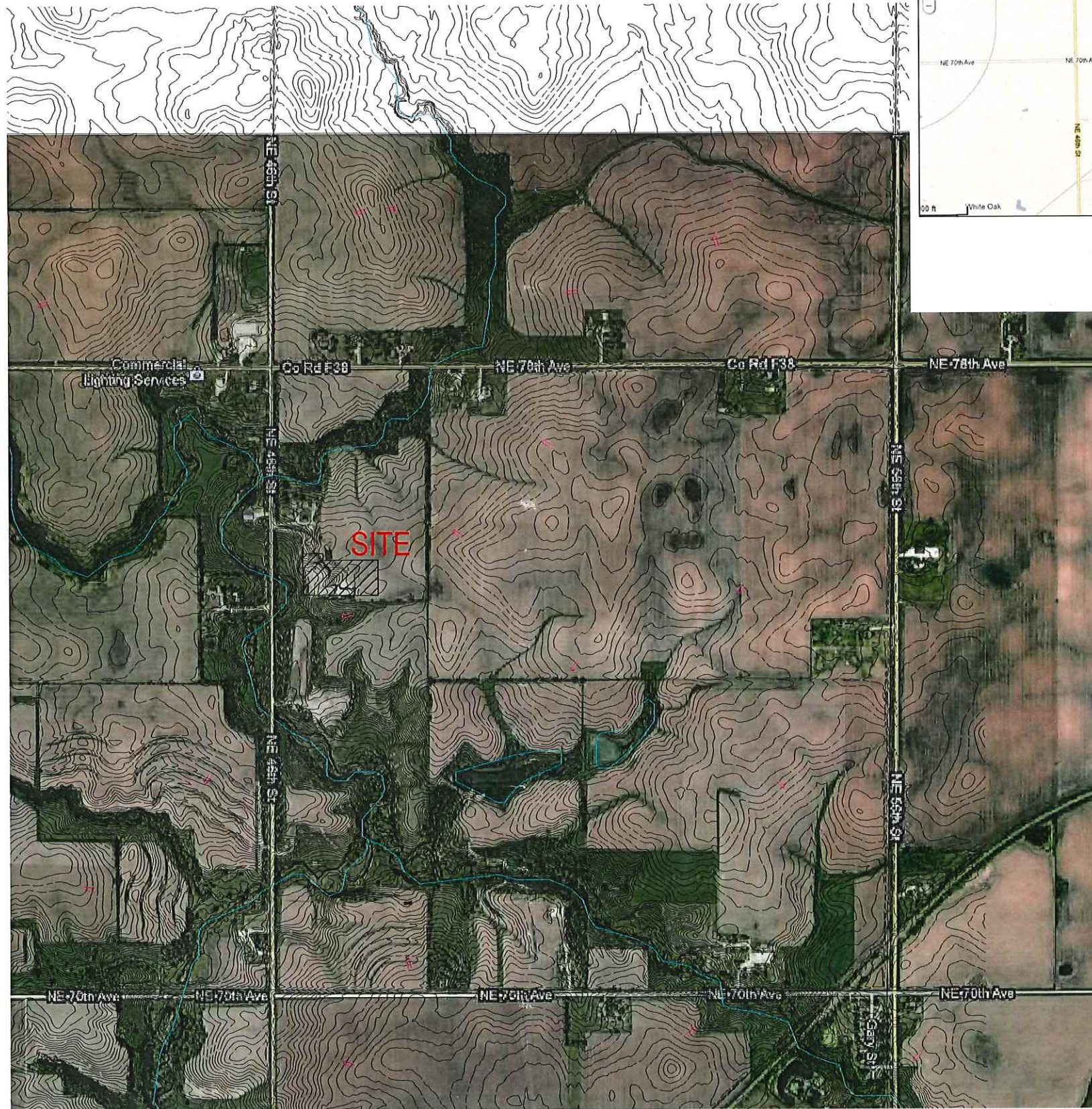
- EXTRACTION OPERATIONS SHALL MEET ALL DEVELOPMENT AND PERFORMANCE STANDARDS OF THE POLK COUNTY ORDINANCE AND ALL APPLICABLE LOCAL, STATE, AND FEDERAL REGULATIONS EXCEPT THOSE REDUCED OR EXEMPTED AND GRANTED BY THE CONDITIONAL USE APPLICATION.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION OF ALL UTILITIES. ANY DAMAGE TO SAID UTILITIES SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE.
- ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CURRENT O.S.H.A. CODES AND STANDARDS. NOTHING INDICATED ON THESE PLANS SHALL RELIEVE THE CONTRACTOR FROM COMPLYING WITH THE APPROPRIATE SAFETY REGULATIONS.
- BISHOP ENGINEERING SHALL NOT BE LIABLE FOR ANY INJURIES THAT HAPPEN ON SITE. THIS SHALL INCLUDE BUT NOT BE LIMITED TO TRENCH COLLAPSES FROM VARYING SOIL CONDITIONS OR INJURIES CAUSED BY UNDERGROUND UTILITIES INCLUDING UTILITIES THAT ARE NOT SHOWN ON PLAN.
- THE CONTRACTOR IS LIABLE FOR ALL DAMAGES TO PUBLIC OR PRIVATE PROPERTY CAUSED BY THEIR ACTION OR INACTION IN PROVIDING FOR STORM WATER FLOW DURING CONSTRUCTION. DO NOT RESTRICT FLOWS IN EXISTING DRAINAGE CHANNELS, STORM SEWER, OR FACILITIES.
- THE CONTRACTOR SHALL PROTECT ALL STRUCTURES NOT SHOWN AS REMOVALS ON THE PLANS.
- THE CONTRACTOR SHALL OBTAIN ANY AND ALL NECESSARY PERMITS PRIOR TO ANY CONSTRUCTION. CONTRACTOR SHALL WORK WITH OWNER OR OWNERS REPRESENTATIVE ON ALL REQUIRED STORM WATER DISCHARGE PERMITS FROM THE IOWA DEPARTMENT OF NATURAL RESOURCES AND POLK COUNTY.
- GRADING AND EROSION CONTROL SHALL BE DONE IN ACCORDANCE WITH THE APPROVED GRADING PLAN, SWPPP, NPDES DOCUMENTS, AND IOWA DEPARTMENT OF NATURAL RESOURCES REQUIREMENTS.
- THE CONTRACTOR SHALL PICK UP ANY DEBRIS SPILLED ONTO THE ADJACENT RIGHT OF WAY OR ADJUTING PROPERTIES AS THE RESULT OF CONSTRUCTION, AT THE END OF EACH WORK DAY.
- THE OWNER OR OWNER'S AGENT IS RESPONSIBLE FOR THE PROMPT REMOVAL OF ALL MUD THAT HAS BEEN TRACKED OR WASHED ONTO ADJACENT PROPERTY OR RIGHT OF WAY UNTIL SUCH TIME THAT PERMANENT VEGETATION HAS BEEN ESTABLISHED.
- DISPOSE OF ALL EXCESS MATERIALS AND TRASH IN ACCORDANCE WITH FEDERAL, STATE, AND LOCAL REQUIREMENTS. PROVIDE WASTE AREAS OR DISPOSAL SITES FOR EXCESS MATERIALS NOT DESIRABLE FOR INCORPORATION INTO THE PROJECT.
- ACTIVE EXISTING FIELD TILES ENCOUNTERED DURING CONSTRUCTION SHALL BE REPAIRED, REROUTED, OR CONNECTED TO PUBLIC OR PRIVATE STORM SEWER TO REMAIN IN SERVICE.

PLAN OF OPERATION NOTES:

- SANDY LEAN CLAY WILL BE REMOVED FROM SITE. TOPSOIL WILL BE STRIPPED PRIOR TO EXTRACTION AND REPLACED AFTER THE EXTRACTION IS DONE.
- APPROXIMATE ANNUAL REMOVAL RATE IS 12,500 CY. APPROXIMATELY 55,000 CY HAVE BEEN REMOVED FROM THE SITE BY ELDER CORPORATION SINCE 2007.
- AN AVERAGE OF 10 TRUCK TRIPS ARE ANTICIPATED INTO AND OUT OF THE PROPERTY PER DAY.
- AN EXCAVATOR (CAT 330) AND/OR LOADER (CAT 953) OR EQUIVALENT WILL BE USED FOR THE EXTRACTION. A CAT 915 PADDLEWHEEL SCRAPER OR EQUIVALENT WILL BE FOR USED FOR STRIP/RESREADING.
- NO SUPPLEMENTAL CHEMICALS OR PRODUCTS WILL BE ADDED TO THE EXISTING MATERIAL. ONLY NATURAL DRYING TECHNIQUES WILL BE USED.
- ESTIMATED LIFE OF OPERATION IS APPROXIMATELY 5-8 YEARS FROM CURRENT DATE.
- WEIGHT OF MACHINERY USED TO HAUL MATERIAL FROM THE JOBSITE WILL BE LESS THAN 80,000 POUNDS.
- ALL MACHINERY USED ON SITE MUST BE NEWER THAN 2005 AND COMPLY WITH CURRENT EMISSION STANDARDS AND ALL EQUIPMENT SHALL BE EQUIPPED WITH MUFFLERS ON THE EXHAUST.
- PREFERRED TRUCK ROUTE IS NORTH ON NE 45TH STREET TO NE 78TH AVENUE.
- POLK COUNTY NOISE ORDINANCE SHALL BE FOLLOWED.

BORROW PIT NOTES:

- EXCAVATIONS SHALL BE GRADED AND BACKFILLED TO THE GRADES INDICATED BY THE SITE PLAN. GRADING AND BACKFILLING SHALL BE ACCOMPLISHED CONTINUALLY AND AS SOON AS PRACTICABLE AFTER EXCAVATION. GRADING AND BACKFILLING MAY BE ACCOMPLISHED BY USE OF CONSTRUCTION RUBBLE SUCH AS CONCRETE, ASPHALT, OR OTHER SUITABLE MATERIALS, PROVIDING SUCH MATERIALS ARE COMPOSED OF NON-NOXIOUS NONCOMBUSTIBLE SOLIDS.
- GRADING AND BACKFILLING SHALL BE ACCOMPLISHED IN SUCH A MANNER THAT THE SLOPE OF THE FILL OR ITS COVER SHALL NOT EXCEED THE NORMAL ANGLE OF SLIPPAGE OF SUCH MATERIAL, OR TWENTY-FIVE (25) DEGREES IN ANGLE, WHICHEVER IS LESS.
- WHEN EXCAVATIONS PROVIDE FOR A BODY OF WATER ARE PART OF THE FINAL USE OF THE TRACT, THE BANKS OF THE EXCAVATION SHALL BE SLOPED TO A MINIMUM RATIO OF FOUR (4) FEET HORIZONTAL TO ONE (1) FOOT VERTICAL, BEGINNING AT LEAST FIFTY (50) FEET FROM THE EDGE OF THE WATER AND MAINTAINED INTO THE WATER TO A DEPTH OF FIVE (5) FEET. POND SHALL NOT BE USED FOR SWIMMING.
- DRAINAGE SHALL BE PROVIDED, EITHER NATURAL OR ARTIFICIAL, SO THAT DISTURBED AREAS SHALL NOT COLLECT NOR PERMIT STAGNANT WATER TO REMAIN.
- TRUCK ACCESS TO ANY EXCAVATION SHALL BE SO ARRANGED AS TO MINIMIZE DANGER TO TRAFFIC AND NUISANCE TO SURROUNDING PROPERTIES.
- THE EXISTING DRIVEWAY MINIMUM REQUIREMENTS ARE A 20' WIDTH AND 25' RADIUS. UPON APPROVAL OF THE CONDITIONAL USE PERMIT APPLICATION, THE SITE PLAN SHOULD SHOW THE EXISTING DRIVEWAY ENTRANCE CULVERT WITH SIZE & LENGTH NOTED.

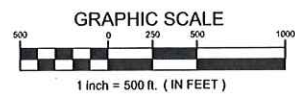


VICINITY MAP
SCALE: 1" = 2000'

ADDRESS:
7605 NE 46TH STREET
BONDURANT, IA 50035

OWNER:
ROBERT DVORAK
7805 NE 46TH STREET
BONDURANT, IA 50035

APPLICANT:
ELDER CORPORATION
ATTN: BRENT THOMPSON
5068 EAST UNIVERSITY AVE
DES MOINES, IA 50327



1 inch = 500 ft. (IN FEET)

PROJECT NUMBER:
190479
SHEET NUMBER:
1 OF 3

REFERENCE NUMBER:
110226
DRAWN BY:
DS
CHECKED BY:
DB
REVISION DATE:
PROJECT NUMBER:
190479
SHEET NUMBER:
1 OF 3

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M:\Land Pro\Projects 2011\110226\dwg\C3 CONDITIONAL USE EXHIBIT.dwg

Attachment A:

Bishop Engineering
"Planning Your Successful Development"
3501 104th Street
Des Moines, Iowa 50324-3825
Phone: (515) 276-0487 Fax: (515) 276-0217
Civil Engineering & Land Surveying
Established 1959

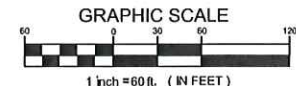
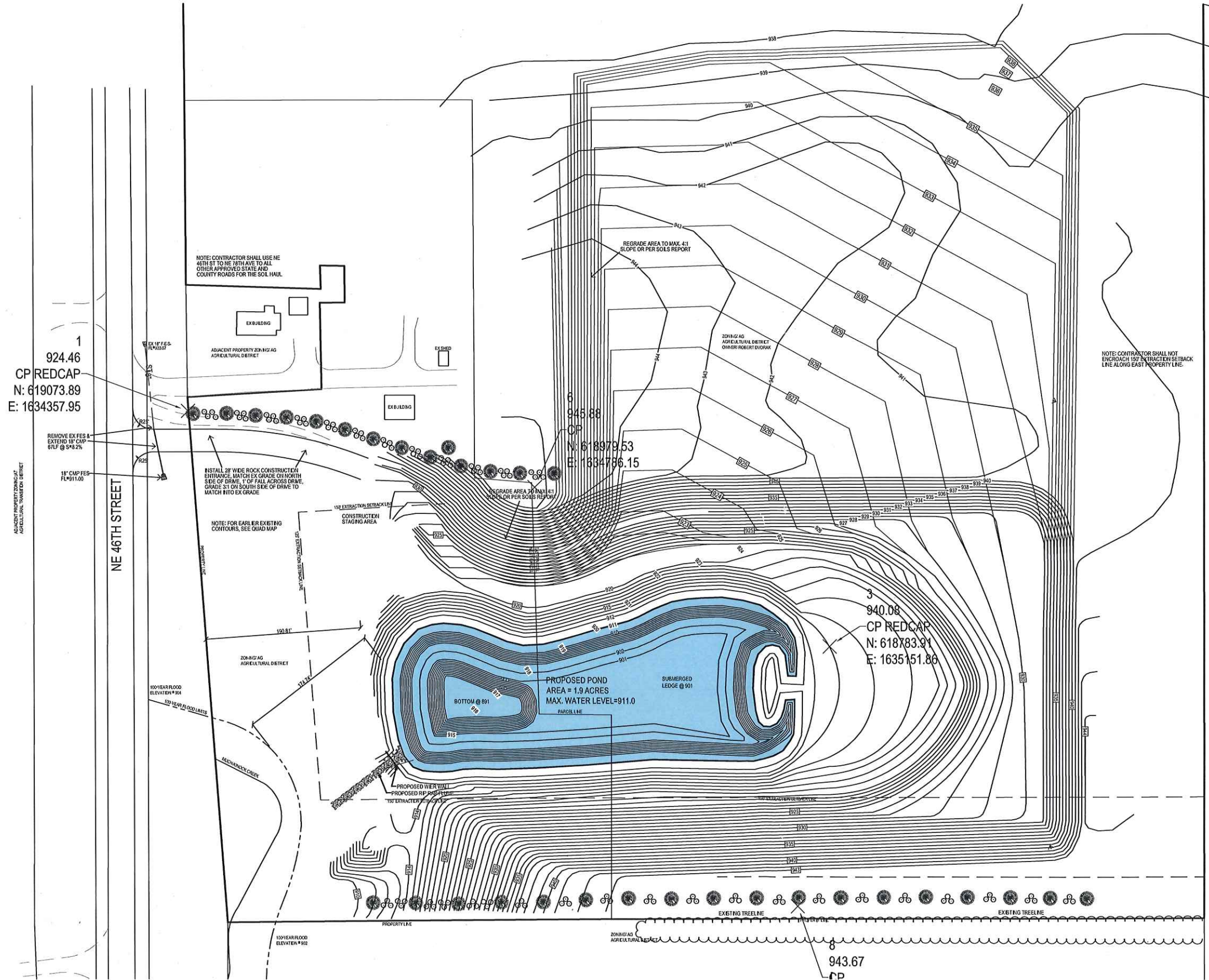
BONDURANT BORROW PIT
BONDURANT, IA
CONDITIONAL USE EXHIBIT

PRELIMINARY - NOT FOR CONSTRUCTION

BONDURANT BORROW PIT END USE PLAN

END USE PLAN:

AFTER THE EXTRACTION OPERATION IS COMPLETED, THE STOCKPILES SHALL BE REMOVED AND THE DISTURBED AREA SHALL BE VEGETATED. THE AREA WILL BE RETURNED TO EITHER PRAIRIE / PASTURE GROUND OR FARMLAND. THE OWNER HAS THE INTENT OF CONSTRUCTING A POND IN THE FUTURE. THEREFORE, ALL SLOPES SHALL BE A MINIMUM OF 4 FEET HORIZONTAL TO 1 FOOT VERTICAL. SEPARATE CONSTRUCTION PLANS MUST BE PREPARED PRIOR TO CONSTRUCTION OF A POND. NO BUILDINGS OR OTHER IMPROVEMENTS ARE PROPOSED AT THIS TIME. THE LAND WILL CONTINUE TO BE OWNED AND MAINTAINED BY THE CURRENT OWNER.



Bishop Engineering
 "Planning Your Successful Development"
 3501 104th Street
 Des Moines, Iowa 50322-3825
 Phone (515) 276-0467 Fax (515) 276-0217
 Civil Engineering & Land Surveying
 Established 1959

**BONDURANT BORROW PIT
 BONDURANT, IA
 END USE PLAN**

REFERENCE NUMBER: 110226
DRAWN BY: DS
CHECKED BY: DB
REVISION DATE:
PROJECT NUMBER: 190479
SHEET NUMBER: 3 OF 3

\\Land Projects\501110226\dwg\C3 CONDITIONAL USE EXHIBIT.dwg 8/19/2013 2:19:02 PM CDT

Attachment B:



4516

4666

4740

4796

5146

NE 78th Ave

7778

4525

7504

7612

NE 46th St

4901

4935

**Subject Property:
7605 NE 46th Street**

7601

7605

