

Docket Number: 23/12526

Applicants: Godwin Family Trust, represented by Joel Godwin (property owner), 6400 NW 6th Drive, Des Moines, IA 50313, being represented by Brent Culp with Snyder & Associates, Inc., 2727 SW Snyder Blvd., Ankeny, IA 50023

Request: Conditional Use Permit Amendment to extend the timeline for an existing sand and gravel extraction use by five (5) years through July of 2028.

Subject Property / Surrounding Land Uses:

The subject property is comprised of three (3) adjacent tax parcels totaling approximately 86.95 acres, and has frontage to the north onto NW 66th Avenue as well as to the east along NW 6th Drive. The existing sand and gravel extraction operation takes access from the north with the associated address of 1560 NW 66th Avenue, Des Moines. The property also contains an existing single-family residence and outbuildings occupied by the property owner and applicant, Joel Godwin, located in the far southeastern portion of the property and addressed as 6400 NW 6th Drive, Des Moines. The property is legally described as Outlot X, J.A. Godwin Estates and Lot 52 in the Official Plat of the N $\frac{3}{4}$ of Section 3, Township 79, Range 24 West of the 5th P.M., and the N $\frac{1}{2}$ of the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 3, Township 79, Range 24 West of the 5th P.M., and Lot 5 of the Official Plat of the SE $\frac{1}{4}$ of Section 3, and the N $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 10, Township 79, Range 24 West of the 5th P.M., all lying within Section 3 of Township 79 North, Range 24 West of the 5th P.M. (Saylor Township). The property is zoned "AG" Agricultural District.

The subject property lies just southwest of the intersection of NW 66th Avenue and NW 6th Drive and the unincorporated village of Saylorville. The majority of the property and extraction use area is low-lying within the mapped floodplain of Saylor Creek, which runs underneath and along NW 6th Drive to the east and southeast of the property. The subject property is within Drainage District No. 1 and Drainage Ditch No. 1 borders the west side of the site. Surrounding land to the south and west is all utilized agriculturally and zoned "AG" Agricultural District. Further to the south along NW 54th Avenue are two (2) larger established sand and gravel extraction uses operated by Hallett Materials and Martin Marietta. The land directly adjacent to the south of the subject property is held by Hallett Construction Company for future sand and gravel extraction. Adjacent to the north and east of the property are several single-family lots and residences within the unincorporated area of Saylorville, primarily zoned "LDR" Low Density Residential District. This includes approximately 24 single-family properties which directly share a boundary with the subject property or reside directly across the street on the north side of NW 66th Avenue. See *Attachment A* for a vicinity map of the subject property and surrounding area.

Application

The Polk County Zoning Ordinance, *Article 4: Use Regulations, Division 2 Table of Uses, Table 4.1* permits Extraction uses within the "AG" Agricultural District upon the granting of a Conditional Use Permit by the Polk County Board of Adjustment. The owner/applicant was previously granted a Conditional Use Permit in July of 2013 permitting sand and gravel extraction at the subject property for a period of ten (10) years through July of 2023. The original approval also included approval a Variance to the paving and curbing requirements for the driveway and parking area, as well as approval of a Variance to reduce the setback from the extraction area to adjacent agricultural properties to the south and west from 150 feet to 50 feet. Since that original approval, the applicant has operated a sand and gravel extraction use at the site known as Saylorcreek Sand Company. This request seeks to amend the existing Conditional Use Permit to allow for an additional five (5) years of sand and gravel extraction activity through July of 2028. The

application states an additional five (5) years is necessary to complete extraction of remaining sand and gravel reserves, decommission the site and implement the End Use Plan. The Conditional Use Permit Application and supporting narrative can be found as *Attachment B* to this report.

Site Operations and End Use Plan

The Existing Conditions and Operations Plan can be found as *Attachment C*, and the proposed End Use Plan can be found as *Attachment D*. The operation involves the removal of overburden topsoil and clay material with excavation equipment leaving behind a pond footprint from which sand and gravel reserves are extracted using an electric dredge. Overburden material is sorted, stockpiled and sold/transferred from the property. Some of the material also remains onsite for grading and site restoration. The reserves mined from the dredge are then washed, screened and classified to be sold primarily as concrete sand, pea gravel and road gravel products. Equipment utilized in the operation includes heavy machinery/excavation equipment, electric dredge, screen and classifier, and belt conveyers. The facility has an existing truck scale and scale house for product weighing and sales. Products are sold and transferred offsite by primarily tandem axle dump trucks.

The extraction operation is located in the western portion of the subject property, and is accessed via a single driveway to the north onto NW 66th Avenue. The driveway loops to the scale house and product stockpiles, and also contains a separate loop further south to access the plant equipment located at the west end of the mining operation and pond. *Attachment C* identifies the existing pond area as well as areas where remaining reserves are anticipated for extraction should this time extension be granted. Portions of the operation where extraction has been completed have already been final graded and seeded, including shoreline restoration along the north and east sides of the pond. Prior to the expiration of the Conditional Use Permit the End Use Plan shall be fully implemented. If the time extension is granted an updated site plan is required to be provided for County staff review and approval, including an updated End Use Plan. *Attachment D* is a concept of the end use. The future site plan would update any changes from the originally approved plan. The applicant's intent is to restore the pond shoreline for a private recreation area to be retained by the owner/operator. Large areas of mapped floodplain and the property's agricultural zoning limit any future development potential of the property. Landscape buffering was originally installed at the time the extraction use commenced, including trees, shrubs and berms along NW 66th Avenue and adjacent properties to the north and northeast. Landscape buffering was also installed along the southwest corner of the extraction site. The End Use Plan requires this landscaping to be inventoried and any dead or dying trees and shrubs to be replaced. Additional plantings interior to the site around the finished pond were also shown on the original End Use Plan.

The site operation includes a number of existing buildings/structures. The scale and scale house was permitted in 2013 and constructed in 2014 (noted as #5 & #6 on *Attachment C*). There is also an existing horse barn on the property, which predates the permitting of the extraction use (noted as #7 on *Attachment C*). As noted on the End Use Plan, *Attachment D*, the owner intends to keep both of these structures as accessory to the existing residence on the property located at 6400 NW 6th Drive after the extraction operation has ceased. The owner has also constructed three (3) additional structures on the property without the required building and floodplain permits since the commencement of the extraction use. These include a large hoop building for topsoil storage (noted as #8 on *Attachment C*), an electric equipment shelter (noted as #12 of *Attachment C*), and a covered dock (noted as #19 on *Attachment C*). The End Use Plan, *Attachment D*, notes that the hoop building is either to be removed or permitted, the electric equipment shelter is to be removed, and the covered dock is to remain post-operation. If this

amendment is approved to allow an additional five (5) years for the extraction use these structures shall be permitted, including compliance with all building and floodplain requirements. This must occur immediately, regardless of whether or not these structures will be removed at the end of operations.

Public Testimony

Staff mailed out a total of 73 notices regarding this request, including the date and time of the public hearing, to surrounding property owners within the 500-foot notification boundary. To-date staff has received six (6) responses in support, zero (0) in opposition and one (1) neutral response. Three (3) of the responses in support provided written details and can be found as *Attachment E*. The neutral response stated they preferred the operation cease at the end of the original ten (10) years, but stated they would not oppose the additional five (5) year extension so long as the operation continued to be a good neighbor, comply with air quality rules and not expand the area of the operation.

Natural Resources / Environmental

The majority of the subject property is low-lying and located within a mapped floodplain (Zone AH – 1% Annual Chance Floodplain, shallow flood area). The base flood elevation is approximately 811 – 812 feet in the area of the extraction use. The site topography in the area of the extraction use is relatively flat with an elevation around 807-808 feet. The property contains a steep rise in elevation up to 880 feet in the far eastern portion along NW 6th Drive in the area of the existing residence. The site contains areas of existing trees and woodlands along its boundaries with adjacent residential properties to the north and east. There are also berms and landscaping that have been planted along the north, northeasterly and south and western boundaries of the extraction use at time of commencement of the operation. All required buffer landscaping and end use landscaping is required to be installed and maintained.

Roads / Utilities

The property has approximately 864 feet of frontage to the north onto NW 66th Avenue, a paved two-lane minor arterial roadway maintained by Polk County. The extraction use and operation takes access via an existing single paved entrance onto NW 66th Avenue. The subject property also has approximately 650 feet of frontage to the east onto NW 6th Drive. There is an existing single access point onto NW 6th Drive for the existing residence located in the eastern part of the site.

The scale house for the extraction use contains a restroom, which is serviced by a private holding tank for wastewater purposes. The holding tank is required to be periodically pumped. A shallow sand point well provides non-potable water for this restroom facility. There are additional portable toilet facilities located onsite for site visitors and staff.

Analysis

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

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

Land adjoining to the south and west is zoned “AG” Agricultural District. The adjoining land to the south and west is currently utilized in row crop production. Land adjoining the subject property to the north and east is primarily zoned “LDR” Low Density Residential District and contains a number of existing single-family residences. The extraction use exceeds the minimum required setback from all residential property lines of 200 feet. The applicant has also installed all required buffering to shield the extraction use from adjacent properties, consisting of berms and landscaping materials.

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.

The extraction use was granted Conditional Use Permit approval in 2013, and has been in operation for the last approximately ten (10) years. There are significant sand and gravel reserves left on the site. If the applicant is not permitted to extract these remaining reserves it is likely that another entity would request to do so. The products sold by the applicant, including top soil, concrete sand, pea gravel and road gravel are critical inputs to the construction industry. The site is also centrally located in the Des Moines Metro.

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.

The applicant is required to remain in continual compliance with all development standards and safety requirements for extraction uses contained in the Polk County Zoning Ordinance. If this time extension is approved the applicant shall provide an updated site plan for the property, including operations plan and end use plan. They shall also comply with all conditions of approval, including applicable previous conditions established in 2013 when the operation was initially permitted. At this time, the operation is in compliance with the Ordinance standards for extraction uses.

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 in the "AG" Agricultural District upon the granting of a Conditional Use Permit by the Polk County Board of Adjustment. The operation is existing and was granted Conditional Use Permit approved in 2013. The site has remained in compliance with the standards for extraction uses and conditions set forth in the original Conditional Use Permit approval.

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.

The proposed use is consistent with the Ordinance, having an existing approved Conditional Use Permit. The Permit expires this July of 2023. Approval of this amended request would permit extraction activities to continue through July of 2028 in order to allow for extraction of remaining reserves and full implementation of the End Use Plan.

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 2050 Polk County Comprehensive Plan.
 - 2. Polk County Zoning Ordinance:** The existing operation has complied with the Ordinance standards for extraction uses and conditions of approval from the 2013 Conditional Use Permit. Staff’s recommended conditions of approval will ensure that these requirements are continually met, including addressing outstanding issues related to structures that have been constructed without building and floodplain permits.
 - 3. Other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the County:** None.

- B. The proposed location of the use is not consistent with policies or provisions of the following:**
 - 1. Comprehensive Plan:** The requested timeline extension for this use is consistent with the goals and policies of the 2050 Polk County Comprehensive Plan. Approval of the timeline extension supports local economic development by allowing for the mining of additional reserves, which serve as critical inputs to the local construction industry.
 - 2. Polk County Zoning Ordinance:** The existing use is in compliance with the Ordinance standards for extraction uses.
 - 3. Other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the County:** None.

- 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 extraction use is compatible with adjacent agricultural uses to the south and west. There are several single-family residential properties to the north and west. Screening and buffering, including berms and landscaping, have been installed and maintained adjacent to these residential properties since the use was originally permitted in 2013. The applicant has maintained compliance with the use standards and conditions of approval regarding hours of operation, dust control, etc. Staff has received periodic complaints during the lifetime of the current use related to truck traffic. A condition of the

original approval requires all truck traffic to the site to utilize NW 66th Avenue west of the property. Truck traffic is not permitted to use NW 66th Avenue east to NW 6th Drive. Compliance with this condition has improved over time, and few to no complaints have been received in the last several years.

2. **Character of the neighborhood:** Existing and proposed conditions of approval protect adjacent residential properties to the greatest extent possible. Additionally, the use is temporary. If the time extension is granted, extraction activities would be permitted through July of 2028. By the end of that time the plant site and equipment would be decommissioned, the extraction use and sales activities terminated and the lake and extraction area restored to a private recreation use.
3. **Traffic conditions:** NW 66th Avenue is adequate to continue to handle traffic associated with this use. The existing condition from 2013 requiring all truck traffic to utilize NW 66th Avenue west of the site remains in effect.
4. **Parking:** There is adequate onsite parking for employees and customers.
5. **Public improvements:** No impact upon future public improvements is anticipated.
6. **Public sites or rights-of-way:** No impact upon public sites or adjacent rights-of-way is anticipated. An existing condition from 2013 remains in effect regarding any damage to roadways be the responsibility of the applicant.
7. **Other matters affecting the public health, safety, and general welfare:** None.

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.

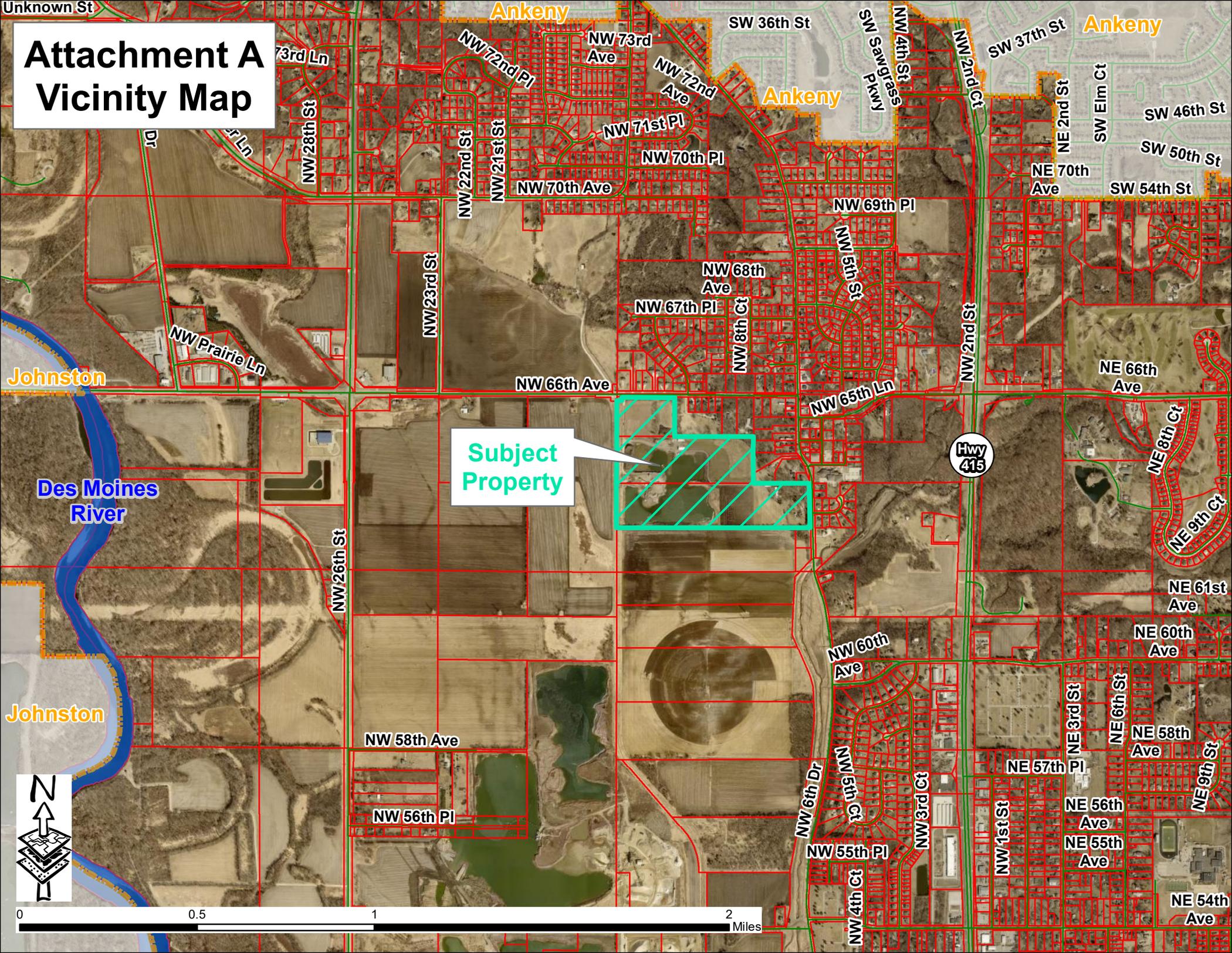
Recommendation

Staff recommends approval of the amended Conditional Use Permit to extend the timeline for sand and gravel extraction activities/operation at the subject property by an additional five (5) years through the end of July 2028. Approval is subject to the following conditions:

1. The Conditional Use Permit originally granted on July 15, 2013 by the Polk County Board of Adjustment under Docket #813 is expanded by an additional five (5) years from its original ten (10) year approval. This permits sand and gravel extraction activity to occur through the end of July 2028.

2. All extraction activities shall cease, and full implementation of the End Use Plan shall be completed (including inspection from Polk County Public Works), by the end of the granted time extension, being the end of July 2028.
3. The applicant shall submit an updated site plan prepared by a licensed engineer upon approval of this amended Conditional Use Permit for review and approval by Polk County Public Works. The site plan shall provide all applicable details regarding the current and proposed operations through the end of the extraction operation, including updated phasing schedule for extracting remaining reserves, updated End Use Plan and landscaping, and all other applicable information as deemed necessary by Polk County to ensure compliance with Polk County Ordinances.
4. All buildings/structures onsite that have been constructed without permits shall be permitted, including compliance with all building and floodplain requirements. This must occur immediately, regardless of whether or not these structures will be removed at the end of operations. This includes the hoop building, electric equipment shelter and covered dock (noted as #8, #12 and #19 on *Attachment C* to this report).
5. Any buildings/structures used for the operation that will remain on the property upon completion of the extraction use and termination of the Conditional Use Permit will be treated as accessory structures to the principal residence located at 6400 NW 6th Drive. This will require the owner to consolidate the tax parcels comprising the subject property with a formal lot tie agreement to be prepared in coordination with Polk County Public Works and recorded. This agreement shall be executed during implementation of the End Use Plan.
6. All previous conditions of the original Conditional Use Permit approval not already satisfied shall remain in full force and effect until the end of operations – see below for current list of carryover applicable conditions from original approval:
 - a. No asphalt plant, concrete plant nor any crushing onsite, including recycled concrete crushing or crushing of rocks from the quarry, is permitted.
 - b. All traffic to and from the site shall be restricted to move only west on NW 66th Avenue to NW 26th Street, and be prohibited from entering or exiting the site from the east along NW 66th Avenue.
 - c. Any damage determined to be made by the operation to the roads will be the responsibility of the applicant.
 - d. Hours of operation are restricted to 7am – 5pm Monday thru Friday and 7am – 12pm (noon) on Saturday.
 - e. The Conditional Use Permit is only valid for a sand and gravel extraction use for the current property owner/applicant, Godwin Family Trust / Joel Godwin, operating as Saylorcreek Sand Company, and only while Joel Godwin continues to reside on the subject property at 6400 NW 6th Drive.
 - f. The applicant shall meet all Polk County Air Quality Division construction and operation permitting requirements. The applicant shall take measures to reduce any errant dust generated from the subject property and clean all dirt and mud generated from the extraction use that accumulate on adjacent roads.
 - g. The applicant shall comply with Polk County Noise Ordinance requirements.
 - h. Any exterior lighting shall be shielded away from adjacent residential property and shall meet Polk County's Lighting Ordinance requirements.

Attachment A Vicinity Map



Subject
Property



Attachment B

Conditional Use Permit Application



Conditional Uses are those uses which may have a special impact or uniqueness demanding closer scrutiny and analysis to the site and the surrounding environment. When such a use is proposed, a review and report by Planning Division staff of the location, design, configuration, and impact will be conducted, comparing the proposed use to fixed standards and presented to the Board of Adjustment for action at a public hearing. Notices of the request are mailed to all property owners located within 500 feet of the subject property.

Please complete the entire application, submit with fee and review the standards on page 3.

To: **Polk County Board of Adjustment**

1. The undersigned Petitioners request that the Board consider this application for a Conditional Use Permit for the following use: (Describe briefly the nature of the use.)

2. Subject Property Address: _____

3. Subject Property District and Parcel Number: _____

4. Subject Property Legal Description (attach if necessary):

5. Filing Fee: - \$435.00

6. Applicant(s) Information:

7. Applicant(s) Representative:

If the appeal is going to be represented by someone other than the applicant please provide that information below.

8. Property Owner Consent:

The application must be signed by all the Titleholders, Contract Purchasers, or Option Purchasers of the subject property. The application may also be signed by the Registered Agent for a corporation or other person with similar legal authority to sign for a property owner. (if additional signatures are needed please attach)

(time stamp)
Official Use Only

Conditional Use Permit Standards

Section 1. Review Standards

The review determines whether the proposed use should be permitted by weighing public need for and benefits to be derived from the use against the local impact which it may cause. The review shall consider the proposal in terms of:

- (A) Existing zoning and land use in the vicinity of the use; and
- (B) planned and proposed public and private developments which may be adversely affected by the proposed use; and
- (C) 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 or which will contribute to the general welfare of the area or Polk County; and
- (D) 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.

Section 2. General Standards

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:

The proposed use shall be in harmony with the general purpose, goals, objectives, and standards of the Polk County Comprehensive Plan, this Ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the County.

- (A) The proposed location and use shall be consistent with policies or provisions of the Comprehensive Plan, this Ordinance, or other plans or programs of the County.
- (B) The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety, and general welfare, 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.
- (C) The proposed use in the proposed area will be adequately served by, and will not impose an undue burden on, any public improvements, facilities, utilities, and services. Where any such improvements, facilities, utilities, or services are not available or adequate to service the proposed use in the proposed location, the applicant shall, as part of the application and a condition to approval of the proposed conditional use permit, be responsible for establishing ability, willingness, and binding commitment to provide such improvements, facilities, utilities, and services in sufficient time, and in a manner consistent with the Comprehensive Plan, this Ordinance, and other plans, programs, maps, and ordinances adopted by Polk County to service the development. The approval of the conditional use permit shall be conditioned upon such improvements, facilities, utilities, and services being provided and guaranteed by the applicant.

Saylor Creek Sand CUP Legal Description:

OUTLOT X, J.A. GODWIN ESTATES AND LOT FIFTY-TWO (52) IN THE OFFICIAL PLAT OF THE NORTH THREE-QUARTERS OF SECTION 3, TOWNSHIP 79, RANGE 24, WEST OF THE 5TH P.M., POLK COUNTY, IOWA.

AND

THE NORTH ONE-HALF OF THE SOUTH ONE-HALF OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 79, RANGE 24,

AND

LOT FIVE (5) OF THE OFFICIAL PLAT OF THE SOUTHEAST QUARTER OF SECTION 3, AND THE NORTH ONE-QUARTER OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 79, RANGE 24, WEST OF THE 5TH P.M., POLK COUNTY, IOWA.

Saylor Creek Sand CUP Parcel IDs:

1. 270/00172-001-000
2. 270/00097-000-000
3. 270/01747-016-001

Saylor Creek Sand Conditional Use Permit Narrative

Saylor Creek Sand Company is seeking a five-year extension of their Conditional Use Permit to operate a sand and gravel extraction facility at 1600 NW 66th Ave. The Conditional Use Permit was previously approved on July 25, 2013 and then corrected on August 20, 2013. The duration of the Condition Use Permit is 10-years, and it is set to expire in July 2023.

General Site Operations Overview of Saylor Creek Sand

The overburden of the topsoil and clay is removed from the extraction footprint with typical large excavation equipment, (i.e., scrapers, bulldozers, excavator, and off-road trucks). The overburden is categorized, and an adequate amount retained for final restoration with the balance being sold and removed from the site. Over the duration of the permit, overburden extraction occurs every couple years as the lake is enlarged. A substantial portion of the overburden is sold as screened topsoil.

After the overburden is removed, an electric powered dredge is used to draw the material from the lake and place it near the plant. The material is loaded into the plant by an endloader where it is washed, screened, and classified. Water from the lake is used as water source for the washing process. The dredged material is classified into three main products to be sold, (concrete sand, pea gravel and road gravel products.) Belt conveyors carry the different products from the classifier to different stockpiles. Concrete sand is the dominant product made at Saylor Creek Sand.

The finish products are sold by weight and trucked from the plant by tandem axle dump trucks. Trucks are weighed as they enter the facility, loaded near then weighed again on the outbound. Trucks are specifically required to enter and exit the facility from and to the west along NW 66th Ave. as a condition of the permit. Signage is in place on the outbound drive reminding truck drivers of this regulation. The scale house operator also reminds each outbound driver to exit westbound onto NW 66th Ave.

Saylor Creek Sand - Current Conditions Summary

The Saylor Creek Sand operation has been in operation for just short of 10 years since receiving approval of its Conditional Use Permit in July 2013. Based on the amount of concrete sand that has been historically sold and the extraction rate of the dredge, the owners estimate that the dredging process will continue for three to four more years to remove all the sand and gravel deposits. Removing material from the deeper depths of the lake is a slower process than from the initial shallow depths. The updated operations plan exhibit identifies the remaining areas in the lake to be dredged and the anticipated timeframe for each area.

Saylor Creek Sand will continue the same gate operating hours as in the past: Monday -Friday 7:00 AM to 5:00 PM and Saturday 7:00 AM to 12:00 PM (noon). Saylor Creek Sand is closed Sundays with no operating hours. The anticipated number of trucks hauling in and out of the facility is estimated to remain at around 40-50 trips per day.

On Saturdays, typically the dredge and wash plant are running and producing sand to get the product inventory ready for the following week. Many metro homeowner and non-commercial customers make purchases on Saturday mornings. In the spring of each year, many customers purchase gravel to repair their driveways after the winter frost thaws out.

During the off-season winter months, (Dec. through Feb.), Saylor Creek Sand is typically closed on Saturdays unless one of the concrete producer customers need to purchase concrete sand or an appointment-based arrangement is made.

The last area of overburden is currently being removed on the peninsula just east of the wash plant. This process will take until about April 1, 2023 to complete. The overburden material will be separated, temporarily stockpiled, and sold. An adequate quantity of topsoil will be retained to finish and restore the NW corner of the lake and surrounding areas.

Saylor Creek Sand does not run an asphalt/concrete recycling or crushing operation on the property and understands that those activities are not permitted as part of the conditional use permit.

After all dredging and processing operations are done, the owner will start the process of disassembling the plant and removing the equipment from the property. The electric equipment shelter will be removed. The last remaining product stockpiles on site will be sold and hauled from the site. The NW corner of the lake shoreline will be restored, and the remaining unfinished areas will be finish graded and seeded. The owner estimates this disassembly and restoration process to take up to two years to complete.

Saylor Creek Sand - Final Site End Use Summary

Once all the remaining product is sold that needs to be scale weighed for sale, the scale will be removed from the property. The gravel surface area surrounding the scale house, horse barn and hoop building will remain as a functioning "barn yard". The horse barn stable building will remain as is. The scale house will remain as a storage building to store landscaping equipment needed to maintain the property. All these buildings will be considered accessory structures to the primary residence at 6400 NW 6th Ave.

Prior to the permit expiration in July 2028, the electric equipment shelter and scale will be removed from the property. The hoop building and 16'x24' dock shelter will either be removed from the property or permitted through the County to meet the flood plain development requirements

The lake will remain as a private owned lake and the boat ramp will remain as currently installed. The current access drive from NW 66th Ave. will remain as a secondary access to the property. The green areas surrounding the lake will be maintained as horse pasture and/or hay fields. Upon completion, the property as a whole, will have a private park feel to complement the neighborhood.

Supporting information related to the Section 1. Review Standards

- A. This property is zoned AG-Agricultural District and contains 86.9 acres. The Conditional Use area is 62 acres of the total property. The site is surrounded by agricultural and residential use properties. There are 16 lot residences located to the north ranging from 0.45 Ac. to 6.9 Ac. To the east are 6 residential lots ranging in size from .46 Ac. to 1.8 Ac., including the Godwin residence. To the south and east are existing agricultural uses. The property to the south is owned by Hallet Materials and is intended for expansion of their current sand and gravel extraction operation.

The closest residence to the core of the operation is situated at 1194 NW 66th Ave. This residence is 750 feet from the scale house operations and the edge of the lake. This residence is 1,200 ft. from the north edge of the peninsula where the wash plant and classifier are located.

- B. The surrounding properties to the north and east have already developed in accordance with the County Comprehensive Plan. The operation of this plant for the past 10 years has not diminished the ability of any of the surrounding residential properties to re-develop or improve their residences. The adjacent property to the east has the ability to develop within the provisions of the Comprehensive Plan and Zoning Regulations. The adjacent property to the south is located in the regulated floodplain, so the ability to develop in a traditional fashion is not practical. Several of the adjacent properties located in the flood plain and vicinity of this operation have successfully been used for similar sand and gravel extraction operations. These remaining properties still in ag use are definite candidates for future sand and gravel operations.
- C. The primary product being extracted and delivered from Saylor Creek Sand is concrete sand used in the making of concrete or asphalt. Having a sand source close to the metro area concrete and asphalt producers is necessary to keep paving material prices as affordable as possible. As the Des Moines metro area continues to grow, the existing roadway system continues to expand. In addition, it is critical for the Metro and surrounding communities to maintain their existing roadways. The need for concrete asphalt paving materials is ever increasing. Having a locally situated sand and gravel plant benefits the public by lowering pavement material costs to build new roads and for repairing existing roads.

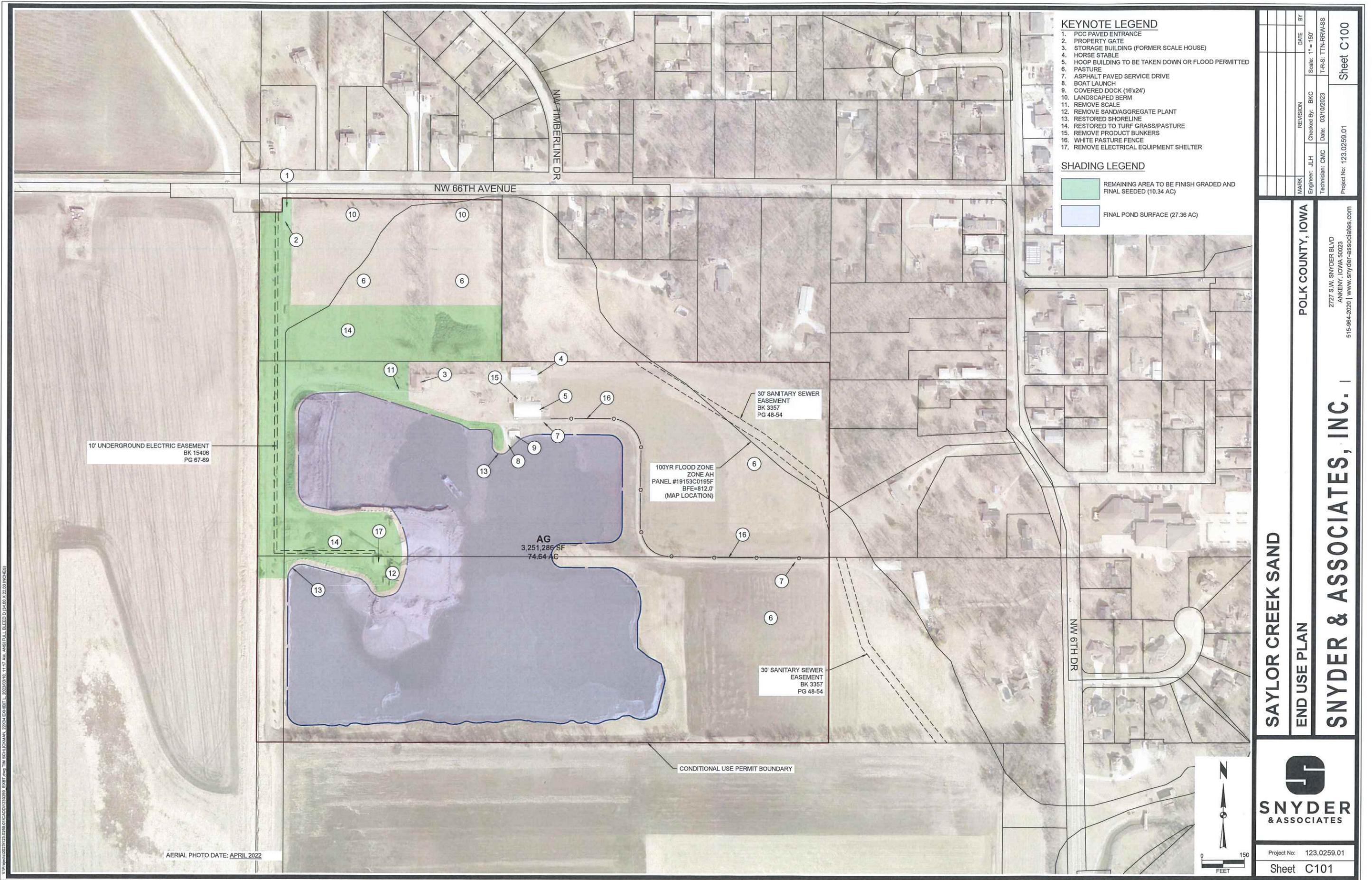
The nature of the sand and gravel pit is to remove material from the property and leaving a substantial lake in its place. The lake created at the end of this operation will also have flood mitigation value in that there will be about 10-12' of flood water storage created in the lake upstream of I-80 and the Des Moines River corridor. This storage did not exist at the start of the operation ten years ago. This benefit is provided at no expense to the County or the downstream properties that benefit from the mitigation provided.

- D. The current Saylor Creek sand operation has made provisions that all inbound and outbound truck traffic travel to the operation from the west along NW 66th Ave. as a condition of the existing permit. Signage at the exit gate is provided to reinforce that requirement. An electric powered dredge is utilized at the operation rather than a diesel-powered dredge. This choice was made to provide a quieter operation than the typical. The wash plant and classifier are located in the center of the lake to provide additional distance from the adjacent residences.

The gravel driveways used by the dump trucks are treated on a regular basis with calcium chloride to provide dust control. In between treatments, a water wagon is deployed to minimize dust from unpaved roadway surfaces. The service drive from the scale operations east up the hill to the Godwin residence has been asphalt paved. A white vinyl horse fence has been installed along the east and north sides of the paved service drive. To date the overburden soil areas and the south and east shorelines have been restored and seeded to their final conditions. Overall the operation has made significant effort to clean-up and restore “as they go” so that in the end when the extraction operation end, the property can be fully restored in a short period of time.

Supporting information related to the Section 2. General Standards

- A. The continued sand and gravel extraction operation is allowed in the AG -Agricultural District. Its operation under a Conditional Use Permit would be considered as conforming to the current County zoning and land use plan. The roadway network of NW 66th Ave. to the west along with NW 26th St. running south and north supports this operation as well as the surrounding sand and gravel and paving material providers.
- B. The continued sand and gravel extraction use will not adversely impact the surrounding properties. The normal deliveries made each day are between 40-50 truck loads between the operating hours of 7:00 AM to 5:00 PM. Most of the concrete sand leaving the site goes to a specific concrete producer and that producer has limited ability to store sand on their site. The sand is delivered at a regulated pace throughout the course of each day. Since Saylor Creek Sand operates during traditional business hours, there is no traffic or no noise in the early morning or evening hours. The plant is closed to the public on Saturday and Sunday.
- C. The existing infrastructure, including the roadway network, public infrastructure and private owned infrastructure needed to support this use and the surrounding properties is adequate in size and capacity without needing upgrades or causing negative impact to the surrounding properties.



- KEYNOTE LEGEND**
1. PCC PAVED ENTRANCE
 2. PROPERTY GATE
 3. STORAGE BUILDING (FORMER SCALE HOUSE)
 4. HORSE STABLE
 5. HOOP BUILDING TO BE TAKEN DOWN OR FLOOD PERMITTED
 6. PASTURE
 7. ASPHALT PAVED SERVICE DRIVE
 8. BOAT LAUNCH
 9. COVERED DOCK (16x24)
 10. LANDSCAPED BERM
 11. REMOVE SCALE
 12. REMOVE SAND/AGGREGATE PLANT
 13. RESTORED SHORELINE
 14. RESTORED TO TURF GRASS/PASTURE
 15. REMOVE PRODUCT BUNKERS
 16. WHITE PASTURE FENCE
 17. REMOVE ELECTRICAL EQUIPMENT SHELTER

- SHADING LEGEND**
- REMAINING AREA TO BE FINISH GRADED AND FINAL SEED (10.34 AC)
 - FINAL POND SURFACE (27.36 AC)

MARK	REVISION	DATE	BY
Engineer: JH	Checked By: BKC	Scale: 1" = 150'	
Technician: CMC	Date: 03/10/2023	T-R-S: TTN-RRW-SS	
Project No: 123.0259.01			Sheet C100

10' UNDERGROUND ELECTRIC EASEMENT
BK 15406
PG 67-69

AG
3,251,286 SF
74.64 AC

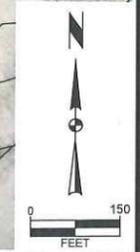
100YR FLOOD ZONE
ZONE AH
PANEL #19153C0195F
BFE=812.0'
(MAP LOCATION)

30' SANITARY SEWER
EASEMENT
BK 3357
PG 48-54

30' SANITARY SEWER
EASEMENT
BK 3357
PG 48-54

CONDITIONAL USE PERMIT BOUNDARY

AERIAL PHOTO DATE: APRIL 2022



SAYLOR CREEK SAND
END USE PLAN
SNYDER & ASSOCIATES, INC.
 POLK COUNTY, IOWA
 2727 S.W. SNYDER BLVD
 ANKENY, IOWA 50023
 515-966-2020 | www.snyder-associates.com



Project No: 123.0259.01
Sheet C101

Sam and Jodi Hodges

1194 NW 66th Avenue
Des Moines, IA 50313
(515) 669-2141

March 5, 2023

RE: Saylorcreek Sand Company

To Whom it May Concern:

We are writing in support of the extension of Saylorcreek Sand Company's permit.

Our home is one of the closest homes to Saylorcreek Sand, from our living room and dining room we can see the pit. We enjoy the view of the lake and grass berms. We are pleased by what has been finished and appreciate that the company has achieved what was planned. We also appreciate that the company is not only conscience of hours of operation, but also of the noise and dust control.

In addition, we have developed a business relationship with Saylorcreek Sand. It has very helpful to have the material resource close and convenient.

We believe the image and the upkeep of the property, along with the business are all assets to the community.

Sincerely,

Sam and Jodi Hodges

Doug Sassman

6297 NW 6th Drive, Des Moines, IA 50313
515-249-1500

March 1, 2023

Polk County Zoning Ordinance Department
5885 NE 14th Street, Des Moines, IA 50313

Regarding: Saylorcreek Sand Company

To Whom It May Concern:

Our home is directly east of the Saylorcreek Sand property. This is an attractive property from both 6th Drive and NW 66th Avenue. The berms and landscaping are an asset to the residential neighborhood.

It is also nice to have a nearby option from which to buy materials for our properties.

This operation in no way distracts from our way of life. In fact, the finished part of the lake looks genuinely nice. We look forward to the park-like setting that will continue to improve our neighborhood.

Sincerely,

Doug Sassman

joel@saylorcreeksand.com

From: Karen Shafer <kmschafer210@gmail.com>
Sent: Monday, February 27, 2023 3:36 PM
To: joel@saylorcreeksand.com
Subject: letter

2/27/2023

Karen Shafer
1230 NW 66th Ave
Des Moines, IA 50313

Attention: Polk County Staff

I am writing in regards to the Saylor creek project. I understand they are requesting an extension on their permit. They have been respectful and listened to all my concerns. They have kept the noise to a minimum and limited the hours of operation. The view of the lake is very nice from my house. They have graded and seeded as promised. I look forward to spending some time using the lake for kayaking.

In closing I support the permit extension for Saylor Creek Sand to complete their operations and finish the lake.

Sincerely,

Karen Shafer