

# Staff Report

Story County  
Board of Adjustment

**Date of Meeting:**  
September 16, 2020

**Case Number CUP07-18.1**

**APPLICANT:** InRoads, LLC  
4224 Hubbell Avenue  
Des Moines, Iowa

**STAFF PROJECT MANAGER:** Amelia Schoeneman, Planner

**SUMMARY:** The request is for a minor modification to an existing conditional use permit (07-18) for the extraction of sand and gravel. The subject property is located at 3034 560<sup>th</sup> Avenue. The mining cell is located in the southwestern 4.6 acres of the 47.24 net-acre parcel. The conditional use permit was originally approved on November 28, 2018, with conditions, including that “landscaping shall be installed by June 1, 2020, in accordance with the submitted restoration plan. Berming and landscaping shall also be completed on the east side of the site matching the extent of extraction by June 1, 2020. Once landscaping is completed, the site shall be inspected by Planning and Development staff for conformance with the submitted restoration plan and prior to releasing bond security.” The applicant is requesting a modification to the condition to allow the berm to be located east of the existing mining cell and to not be permanently landscaped pending approval of a future conditional use permit for the second phase of extraction, including the area east of the existing mining cell. If the second phase of extraction is not approved the berm is proposed to be permanently landscaped with nursery stock trees in the location adjacent to the mining cell. If the second phase is approved, the berm will be moved to the eastern side of the site and permanently landscaped. The applicant will increase the amount of the restoration bond until the berm is permanently landscaped. Staff recommends approval of the conditional use permit with conditions.





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## Property Information

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### PROPERTY OWNER

Tanam Real Estate, LLC  
147 34<sup>th</sup> Street  
Des Moines, Iowa, 50312

### GENERAL PROPERTY LOCATION

Section: 18 Township: 83 Range: 23, in unincorporated Story County  
560<sup>th</sup> Avenue, Ames, Iowa

### PARCEL IDENTIFICATION NUMBER(S)

10-18-300-300

### CURRENT ZONING

A-1 Agricultural

### CURRENT LAND USE

Agricultural Crop Productions/Row Crops

### LAND USE FRAMEWORK MAP DESIGNATION

Ames Urban Fringe Plan: Rural Urban Transition Area – Natural Areas

### CITIES WITHIN TWO MILES

City of Ames

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## Background

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This request is for a minor modification to a conditional use permit for the extraction of sand and gravel from. The conditional use permit was originally approved on November 28, 2018, with conditions, including that “landscaping shall be installed by June 1, 2020, in accordance with the submitted restoration plan. Berming and landscaping shall also be completed on the east side of the site matching the extent of extraction by June 1, 2020. Once landscaping is completed, the site shall be inspected by Planning and Development staff for conformance with the submitted restoration plan and prior to releasing bond security.”

Planning and Development Staff completed the inspection of the site in the summer of 2020 and determined that the berms had not been permanently landscaped. Additionally, the east berm was installed east of and adjacent to the mining cell rather than the east property line. Staff communicated that the applicant could address the issues by going through a code enforcement process where they provided a timeline to conform to the condition. The applicant will be landscaping the west berm in early September.



In lieu of a compliance timeline for the construction and landscaping of the east berm, the applicant is requesting a minor modification to the condition to allow the east berm to be located east of the mining cell and to not be permanently landscaped. The applicant feels the berm screens the current extraction area and provides separation from the row crop production east of the mining cell. If the second phase of extraction, where extraction occurs at a greater depth and on a larger area, including east of the existing mining cell, is not approved, the applicant indicates the berm would be in a better location for restoration of the site. If the second phase is approved, the berm will be moved to the eastern side of the site and permanently landscaped with landscaping to match the other berms (nursery stock trees). The applicant will increase the amount of the restoration bond until the berm is permanently landscaped from \$10,000 to \$30,000.

The applicant indicates that they anticipate applying for the second phase of extraction, where they would extract material at a greater depth and extent on the site (including east of the existing mining cell), in late 2020 or early 2021. Based on the tests and studies done in preparation for the application, the applicant believes that the reserves could support the second phase of extraction for 20 years.

### **Past Conditional Use Permits**

A conditional use permit was issued in 2017 for a temporary asphalt plant on the property related to a project repaving southbound lanes on Interstate 35. The asphalt plant has been removed, as required after work ended in November 2017. The plant was located on an approximately 6-acre gravel pad in the northwestern corner of the subject property. The pad remains on the subject property and was required to be removed in November of 2018 if no other conditional use permits were issued to allow its use.

In 2018, a conditional use permit was issued to permit an approximately 5-acre borrow pit, 12-15 feet in depth, on the subject property until November of 2018 to provide materials for an Iowa Department of Transportation project to reconstruct 2.6 miles of the northbound Interstate 35 lanes from 280<sup>th</sup> Street to approximately 260<sup>th</sup> Street in Story County.

In November of 2018, a conditional use permit was issued to allow the extraction of sand and gravel from the existing borrow pit. The deposit was estimated to be able to support the first phase of extraction to a 40-foot depth using an excavator over a three-year period. A sand processing plant and sand and gravel stockpiles related to the extraction use were also proposed to be located on the existing gravel pad in the northwestern six acres of the parcel.

Two berms were proposed on the south side of the gravel pad and processing plant and on the west side of the mining cell. There was an existing tree line between the site and the parcel to the north. Landscaping was proposed as part of the restoration plan on the berm west of the mining cell to be installed by June 1, 2020, after one season of the berm settling. Landscaping was to be nursery-stock sized trees. No landscaping or berming was proposed on the east side of the side.

Conditions placed on the conditional use permit for extraction included:

1. The permit be limited to the first phase of extraction: extraction over three years to a depth of 40 feet and via an excavator.



2. The extraction use shall cease by December 31, 2021, and the site be restored based on the restoration plan if no modifications to the conditional use permit for phase two of extraction are approved. Once restoration is completed, the site shall be inspected by Planning and Development staff for conformance with the submitted restoration plan and prior to releasing bond security.
3. Landscaping shall be installed by June 1, 2020, in accordance with the submitted restoration plan. Berming and landscaping shall also be completed on the east side of the site matching the extent of extraction by June 1, 2020. Once landscaping is completed, the site shall be inspected by Planning and Development staff for conformance with the submitted restoration plan and prior to releasing bond security.
4. Phase two shall not be approved until it is determined extraction depths over 40 feet will not have an impact on groundwater and that the deposit is determined to extend 80 feet.
5. A flood control berm one foot above the 100-year base flood elevation level shall be constructed around the mining cell.
6. A sufficient amount of topsoil be maintained on site to create the berms and be respread during restoration.
7. A \$30,000 restoration bond covering the cost of restoration and landscaping, plus the cost of landscaping on the eastern side of the site, shall be provided. Once landscaping is completed, the cost of the bond shall be reduced to \$10,000.
8. Secondary containment structures (double-walled containers, berms) shall be provided around fuels and other chemicals and spill response plans are maintained.
9. A floodplain development permit shall be obtained including an evacuation plan.
10. The applicant shall restore the road to its original condition and maintain the road as necessary and as determined by the Story County Engineer.
11. The applicant shall water the gravel pad and the roadway to prevent excess dust as needed.

### **Third Condition on Cup 07-18 and Need for Minor Modification**

The reasoning for the third condition on CUP07-18, which is what the applicant is requesting to modify, is to ensure the compatibility of the current land use and future land use of the property with the surrounding area. The applicant had not proposed any buffering for the east side of the site and it could be viewed from Interstate 35, which is .2 miles to the east. Regarding the site's future use, the Story County Cornerstone to Capstone Comprehensive Plan includes a strategy to focus resources on high-priority natural areas including working "with the City of Ames to explore and prioritize the Hallett materials extraction site located SW of I-35/US 30 interchange for potential reuse and revitalization." Hallett is adjacent and to the north of the subject property. A restoration plan was required as part of the submittal for a mineral extraction use. The restoration plan proposed landscaping to be installed by June 1, 2020, after one season of the berm settling. Landscaping was to be nursery-stock sized trees located on the berm to the west of the mining cell. Requiring landscaping on the west and east would result in established vegetation for when the use ceases and site is restored. At the time of the conditional use permit request for mineral extraction, the applicant indicated the second phase, if approved, could support extraction for two to seven years.



As part of the restoration plan, topsoil from the berm south of the plant will be respread on site and the site reseeded in native grass. The pond will remain. The applicant indicated that the cost of restoration for the seeding was approximately \$10,000 and the cost of the landscaping was \$20,000. The applicant provided a bond for \$30,000, which was to be reduced to \$10,000 after landscaping was completed.

The need to modify this condition is to allow the berm to be located adjacent and east of the existing mining cell. If the second phase of extraction is not approved, the berm will be in a better location to provide screening of the site and more appropriate for the site's restoration.

### Site and Current Land Use

The proposed location is a 47.24 net-acre parcel on the east side of 560<sup>th</sup> Avenue and three-quarters of a mile south of Highway 30. The subject property is zoned A-1, Agricultural. The acres not occupied by the gravel pad and mining cell are farmed.

The former borrow pit, which is the limits of mining cell permitted by the Conditional Use Permit 07-18, is a 4.6-acre area and in the southwestern corner of the subject property. Extraction occurs at a maximum depth of 40 feet and an excavator is used. The extracted sand and gravel are used in construction projects and specifically, to produce asphalt and concrete. InRoads, LLC, is a paving business and the extraction use provides them with ingredients for the production of asphalt and concrete.

The excavator loads materials into a haul truck to be taken to the processing plant. A portable washing plant is used to wash the sand and gravel prior to it being sold. The plant is located on the existing gravel on the northwestern six acres of the site. The pad is elevated 18 inches above the base flood elevation level. There are several material stockpiles on the gravel pad. An end loader and conveyor are used to construct the stockpiles.

Traffic enters the site via an existing drive off 560<sup>th</sup> Avenue. Following the conditional use permit, the applicant is to maintain and restore the 560<sup>th</sup> Ave aggregate road at its own cost during times of operation with a motor grader. Traffic flows counterclockwise to reach the stockpiles at the southeastern corner of the gravel pad. Traffic exits via the same drive. A loader is used to load materials into customer trucks. The loader has a built-in scale—no scale house or office are proposed. Hours are 8am to 5pm on weekdays and 8am to noon on Saturdays. A maximum of three employees work on a shift.

### Future Land Use

This subject property is within the Rural Urban Transition Area designation in the Ames Urban Fringe Plan Land Use Framework Map. Policies for this area include:

*RUTA Policy 4: Permit interim development to occur in a manner that will support long-term urbanization of the Ames Urban Fringe.*

Within the Rural Urban Transition Area designation, the area is designated as a Natural Area due to its location in the floodplain of the South Skunk River. The policies for Natural Areas include:



*NA Policy 3: Mitigate negative impacts to Natural Areas, including, but not limited to: agricultural chemical application, animal confinement and feeding, agricultural irrigation, miscellaneous agricultural activities like manure and fuel storage, outdated and non-functioning on-site wastewater systems, underground storage tanks, and nutrient-loaded urban stormwater run-off.*

### Surrounding Land Use

All adjacent parcels are zoned A-1, Agricultural and in the Natural Areas designation on the Ames Urban Fringe Plan. There are no adjacent dwellings. The closest dwellings are located three-quarters of a mile to the northeast of the subject property and across Interstate 35.

Hallett Materials Ames South Pit, a mineral extraction use permitted until 2035, is located on the adjacent parcel to the north of the subject property and owned by Manatts, Inc. In total, the Hallett Materials extraction use occupies seven parcels totaling 218.68 net-acres to the south of and adjacent to Highway 30 and to the west of and adjacent to Interstate 35. The mining cell occupies approximately 72 acres and the existing stockpiles and processing plant occupy approximately 23 acres.

The reclamation plan for Hallett Material Ames South approved as part of their conditional use permit shows that the area will be left as a lake once the limits of extraction are reached. Additionally, all processing equipment and stockpiles will be removed, topsoil respread, and grading and planting completed as part of the reclamation plan.

Approximately one-half mile to the north at the intersection of Highway 30 and 560<sup>th</sup> Avenue is a property incorporated in the City of Ames. It is the location of a former Cyclone Truck Stop and zoned Highway-Oriented Commercial. The City has worked with the property owner to improve the site and encourage redevelopment, potentially in the form of a hospitality use similar to the hotels found on the north side of the Dayton Avenue and Highway 30 Interchange, according to a letter submitted by the City of Ames staff regarding CUP06-17.1 for the Manatt's construction and demolition landfill use located to the northwest of the subject property and approved in October of 2018 by the Board of Adjustment.

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## Conditional Use Permit Analysis

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### A. Applicable Regulations: Chapter 90.04: Standards for Approval

The Board of Adjustment shall review the proposed development for conformance to the following development criteria:

1. **Compatibility.** The proposed buildings or use shall be constructed, arranged and operated to be compatible with the character of the zoning district and immediate vicinity, and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations. The proposed development shall not be unsightly, obnoxious, nor offensive in appearance to abutting or nearby properties.



Applicant Comment: *The proposed use of a mineral extraction location is consistent with the adjacent property on two of the property lines. InRoads CUP does not interfere with the development and use of adjacent property in accordance with the applicable district regulations. Since the development is the same type of operation as neighboring properties, the development is not unsightly, obnoxious nor offensive in appearance to abutting or nearby properties. Berms are not present on the neighboring property lines; screening berms are only to the extent of the extraction limits on surrounding properties with mineral extraction taking place.*

Staff Comment: The request to change the location and landscaping timeline for the east berm has the greatest impact on the properties to the east. The berm on the west side of the mining cell will be landscaped in early September.

The adjacent property to the east is in row crop production. Interstate 35 is also located .2 miles to the east. Given that the berm is located east of the pit, instead of on the east property line, some screening is still provided and adequately buffers the mining cell. The location of the berm is not anticipated to interfere with the use of the adjacent properties.

The applicant also identified that the berm in the current location provides a better buffer between the row crop production on the property and the extraction operation. This makes the proposed location more compatible with the character of the zoning district and area where the major land use is agricultural.

Finally, the applicant indicates the berm would be in a better location for restoration of the site if the second phase is not approved. Requiring the berm to be located on the east property line instead of adjacent to the mining cell would be less appropriate for restoration of the site if the second phase of extraction is not approved and the mining cell is limited to its current size.

Staff recommends a condition that if the conditional use permit for phase two of extraction is not approved, the berm is permanently landscaped with nursery stock trees in the requested location adjacent to the mining cell. A condition on the previously approved conditional use permit requires that "the extraction use shall cease by December 31, 2021, and the site be restored based on the restoration plan if no modifications to the conditional use permit for phase two of extraction are approved. Once restoration is completed, the site shall be inspected by Planning and Development staff for conformance with the submitted restoration plan and prior to releasing bond security."

2. **Transition.** The development shall provide for a suitable transition, and if necessary, buffer between the proposed buildings or use and surrounding properties.

Applicant Comment: *There will not be any transition between any buildings since there are not any buildings constructed. The suitable transition will be an aggregate pad on which to set stockpiles, the processing plant area, and farmland beyond the landscaped berm. It would not make sense to have a berm, then farmland, then the extraction area- there needs to be a berm between the farmland and the extraction area for a natural transition and protection of the mined cell.*



Staff Comment: Landscaping is proposed to be installed on the berm located to the west of the mining cell by early September. Landscaping will be nursery-stock sized trees. The condition placed on the previous conditional use permit for extraction also intended to have the east berm permanently landscaped. The landscaping of the berms while extraction is occurring presents an opportunity to have established vegetation for when the use ceases and site is restored. At the time of the previous application, the applicant indicated the second phase of extraction would last two to seven years. Currently, the applicant anticipates it could last for 20 years, if approved. This longer extraction timeframe provides a greater timeline for the landscaping to mature than previously anticipated. Staff recommends a condition that if the conditional use permit for phase 2 is not approved, the berm is permanently landscaped with nursery stock trees in the requested location adjacent to the mining cell. The conditional use permit for phase one of extraction expires December 31, 2021. Alternatively, if phase two of extraction is approved, staff recommends a condition that the east berm be moved to the east property line prior to extraction at the depth/extent of extraction approved occurring and that the berm is landscaped within one year of the berm's construction. Through these conditions, the berm may be without permanent landscaping for one to two years. The one to two years when the berm is not permanently landscaped will not have a major impact on the transition to other properties. Again, the berm in the current location provides a better buffer between the row crop production on the property and the extraction operation. This provides a better transition to the agricultural uses on adjacent properties to the east.

3. **Traffic.** The development shall provide for adequate ingress and egress, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.

Applicant Comment: *The location of the berm helps with farm traffic on site and acts as a buffer between the farmland and the extraction site.*

Staff Comment: No new traffic would be created by the change in the location of the berm. The applicant indicates the berm in its current location better separates mining and farming traffic on the site. Staff recommends a condition that if phase two of extraction is approved, the east berm be moved to the east property line prior to extraction at the depth/extent of extraction approved occurring and that the berm is landscaped within one year of the berm's construction. The area that is farmed will change when the limits of extraction are expanded in phase two.

4. **Parking and Loading.** The development shall provide all off-street parking and loading areas as required by this Ordinance, and adequate service entrances and areas. Appropriate screening shall be provided around parking and service areas to minimize visual impacts, glare from headlights, noise, fumes or other detrimental impacts.

Applicant Comment: *The berm does not affect parking and loading.*

Staff Comment: The berm does not impact parking and loading.

5. **Signs and Lighting.** Permitted signage shall be in accordance with the applicable district regulations and shall be compatible with the immediate vicinity. Exterior lighting, if provided,



shall be with consideration given to glare, traffic safety and compatibility with property in the immediate vicinity.

Applicant Comment: *The property does not need to be lighted during normal working hours.*

Staff Comment: No signs or lighting are proposed.

6. **Environmental Protection.** The development shall be planned and operated in such a manner that will safeguard environmental and visual resources. The development shall not generate excessive noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds.

Applicant Comment: *The berm located to the limits of extraction helps protect the water body from flood or runoff water. The berm is already in its desired location so it will not generate excessive noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other hazardous or nuisance conditions. The berm has been planted with grass seed to hinder the development of weeds.*

Staff Comment: Staff recommends a condition that the east berm is seeded with temporary seeding meeting Iowa Statewide Urban Design and Specifications (SUDAS) Design Manual and Standards Manual or other professionally accepted design criteria.

- B. If the Board concludes that all the above development criteria will be met, it must recommend approval of the application unless it concludes that, if completed as proposed, there is a strong probability the development will:**

1. **not adequately safeguard the health, safety and general welfare of persons residing or working in adjoining or surrounding property.**

Staff Comment: There are no adjacent single-family dwellings to the site. Hallett Materials is located to the north of the site, which is a similar use.

2. **impair an adequate supply (including quality) of light and air to surrounding properties.**

Staff Comment: The berm will not impact the quality of air or lighting on the property.

3. **unduly increase congestion in the roads, or the hazard from fire, flood, or similar dangers.**

Staff Comment: No new traffic would be created by the change in the location of the berm. The applicant indicates the berm in its current location better separates mining and farming traffic on the site. Staff recommends a condition that if phase two of extraction is approved, the east berm be moved to the east property line prior to the excavation of materials from the ground as part of the second phase and that the berm is landscaped within one year of the berm's construction. The area that is farmed will change when the limits of extraction are expanded in phase two.



**4. diminish or impair established property values on adjoining or surrounding property.**

Staff Comment: The Story County Assessor's Office raised no concerns with this item from the review of the requested Conditional Use Permit application. No negative impacts on property values are anticipated.

**5. not be in accord with the intent, purpose and spirit of the Land Development Regulations or County Cornerstone to Capstone (C2C) Plan.**

Staff Comment: Other criteria ask the board to consider the use's compatibility with current land use. This criterion asks the Board to consider future land use. This site is within the Rural Urban Transition Area designation in the Ames Urban Fringe Plan Land Use Framework Map. Policies for this area include:

*RUTA Policy 4: Permit interim development to occur in a manner that will support long-term urbanization of the Ames Urban Fringe.*

The first stage of extraction is proposed to last three years or until 2021 and a condition is recommended by the Planning and Zoning Commission limiting the permit to phase one. The applicant indicates the sand and gravel would be used in construction projects and specifically, to produce asphalt and concrete. InRoads, LLC, is a paving business and the extraction use would provide them with ingredients for the production of asphalt and concrete. No specific projects were identified in the application that would use the materials.

The Story County Cornerstone to Capstone Comprehensive Plan includes a strategy to focus resources on high-priority natural areas including working "with the City of Ames to explore and prioritize the Hallett materials extraction site located SW of I-35/US 30 interchange for potential reuse and revitalization."

The berm on the east side of the site was part of the submitted restoration plan. The restoration plan proposed landscaping on the east and west berms to be installed by June 1, 2020, after one season of the berm settling. Landscaping was to be nursery-stock sized trees. Requiring permanent landscaping would result in established vegetation for when the use ceases and site is restored. At the time of the conditional use permit request for mineral extraction, the applicant indicated the second phase, if approved, could support extraction for two to seven years. Currently, the applicant anticipates it could last for 20 years, if approved. This longer extraction timeframe provides a greater timeline for the landscaping to mature than previously anticipated.

The applicant indicated that the cost of the landscaping was \$20,000. The applicant provided bond for \$30,000, which was to be reduced to \$10,000 after landscaping was completed. The applicant will increase the amount of the restoration bond until the berm is permanently landscaped from \$10,000 to \$30,000. This is recommend as a condition.

**C. Burden of Persuasion.**

- 1. The burden of persuasion as to whether the development, if completed as proposed, will comply with the requirements of this Chapter is at all times on the applicant.**



2. **The burden of presenting evidence to the Board of Adjustment sufficient enough for it to conclude that the application does not comply with the requirements of this Chapter is upon the person or persons recommending such a conclusion, unless the information presented by the applicant warrants such a conclusion**

## Comments

The following comments are part of the official record of the proposed Mineral Extraction CUP 07-18.1. If necessary, conditions of approval may be formulated based on these comments.

The item was routed for Interagency Review on Tuesday, September 1, 2020.

### Planning and Development:

1. Are you still intending to apply for the second stage of extraction? If so, when? *Yes. Winter of 2020/Spring of 2021. I have many of the studies and testing done for the entire site.*
2. If the second stage of extraction is approved, how long will extraction take place for? *I would request up to 20 years of sand extraction, but it depends on sales volume. You previously indicated two to seven years, depending on size and quality. Size and quality are exceeding even our "best case scenario" expectations. I would call this sand deposit exceptional (depth, gradation, & consistency).*
3. What kind of trees will be planted when the berm is moved to the eastern side of the site? *We will plant whatever trees you want. Most likely similar to the trees we are planting on the berm this week, if acceptable.*

### Engineer Comments:

No comments.

### Environmental Health Comments:

No comments.

### Auditor Comments:

No comments.

### **Comments from the General Public**

Public notification letters were mailed to surrounding property owners within a quarter-mile of the site on September 4, 2020, regarding the Conditional Use Permit application.

*No comments were received at the time of writing this report.*

### **Comments from Cities in the Ames Urban Fringe Plan**



Ames

*Application materials were routed to the City of Ames on September 3, 2020. No comments had been received at the time of completion of this staff report.*

Gilbert

*Application materials were routed to the City of Gilbert on September 3, 2020. No comments had been received at the time of completion of this staff report.*

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## **Points to Consider for the Conditional Use Permit Request**

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1. The berm in the existing location east of the mining cell provides a better buffer between the row crop production on the property and the extraction operation. It also provides a buffer between the mining cell and Interstate 35.
2. The existing location of the berm is a better location for restoration of the site if the second phase of extraction is not approved. Requiring the berm to be located on the east property line instead of adjacent to the mining cell would be less appropriate for restoration of the site if the second phase of extraction is not approved and the mining cell is limited to its current size.
3. The conditional use permit for phase one extraction expires December 31, 2021.
4. Staff recommends a condition that if the conditional use permit for phase two of extraction is not approved, the berm is permanently landscaped with nursery stock trees in the requested location adjacent to the pit.
5. If the conditional use permit for phase two of extraction is approved, staff recommends a condition that the east berm be moved to the east property line as soon as the limits of extraction are expanded and that the berm is landscaped within one year of the berm's construction.
6. At the time of the previous application, the applicant indicated the second phase of extraction would last two to seven years. Currently, the applicant anticipates it could last for 20 years, if approved. This longer extraction timeframe provides a greater timeline for the landscaping to mature than previously anticipated.
7. The applicant provided a bond for \$30,000, which was to be reduced to \$10,000 after landscaping was completed. The applicant will increase the amount of the restoration bond until the east berm is permanently landscaped from \$10,000 to \$30,000. This is recommend as a condition.

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## **Recommendation to the Board of Adjustment**

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**Planning and Development Staff Recommends approval with the following conditions:**

1. The east berm shall be seeded with temporary seeding meeting Iowa Statewide Urban Design and Specifications (SUDAS) Design Manual and Standards Manual or other professionally accepted design criteria.



2. If phase two of extraction is approved, the east berm shall be moved to the east property line prior to the excavation of materials from the ground as part of the second phase of extraction and the berm shall be landscaped within one year of the berm's construction.
3. If the conditional use permit for phase two of extraction is not approved, the east berm shall be permanently landscaped with nursery stock trees in the requested location adjacent to the mining cell.
4. The applicant shall increase the amount of the restoration bond until the berm is permanently landscaped from \$10,000 to \$30,000.

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## Alternatives

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The Story County Board of Adjustment may consider the following alternatives for CUP07-18.1:

- 1) The Story County Board of Adjustment approves the minor modification to the Conditional Use Permit for Mineral Extraction as put forth in case CUP07-18.1 to allow the eastern berm to remain located east of and abutting the mining cell, as submitted.
- 2) **The Story County Board of Adjustment approves the minor modification to the Conditional Use Permit for Mineral Extraction as put forth in case CUP07-18.1 to allow the eastern berm to remain located east of and abutting the mining cell, with conditions.**
- 3) The Story County Board of Adjustment denies the minor modification to the Conditional Use Permit for Mineral Extraction as put forth in case CUP07-18.1 to allow the eastern berm to remain located east of and abutting the mining cell, as submitted.
- 4) The Story County Board of Adjustment remands approves the minor modification to the Conditional Use Permit for Mineral Extraction as put forth in case CUP07-18.1 to allow the eastern berm to remain located east of and abutting the mining cell, back to the applicant for further review and/or modifications and directs staff to place this item on the October 21, 2020, Story County Board of Adjustment agenda.