RESOLUTION NO. 21-256

A RESOLUTION GRANTING APPROVAL OF A TEMPORARY USE PERMIT TO ALLOW A CONCRETE CRUSHING PLANT (SALVAGE OPERATION) THROUGH AUGUST 31, 2022 ON AGRICULTURAL PROPERTY COMPRISED OF 12.85 ACRES LOCATED IMMEDIATELY SOUTH OF 13500 192ND STREET AND LEGALLY DESCRIBED AS PART OF THE W ½ SW ¼ SECTION 17, TOWNSHIP 74, RANGE 43, POTTAWATTAMIE COUNTY, IOWA, MORE PARTICULARLY DESCRIBED IN ATTACHMENT 'A'.

WHEREAS, The applicant, Petersen Contractors, Inc., has been subcontracted by Hawkins Construction for all pavement removals and grading in relation to the I-29 Iowa DOT Project (IM-NHS-29-3(141)53) and is requesting a temporary use permit to use this property for their concrete crushing (salvage operation) activity; and

WHEREAS, The temporary use permit will commence upon City Council approval and will extend through August 31, 2022; and

WHEREAS, The applicant has provided the following additional information regarding the request:

A. The site will be reclaimed to agricultural land use and restored to predevelopment conditions. The site will have all topsoil stripped and stockpiled on-site. Stockpiles will protect stormwater runoff to the drainage areas off-site. A current Iowa DNR NPDES General Permit #3 is on record and will be kept on-site when the plant is in operation and a copy will also be held at Peterson Contractors, Inc.'s office located at 104 Blackhawk Street, Reinbeck, Iowa.

B. A site-specific Stormwater Pollution Prevention Plan and Spill Prevention Plan Countermeasure and Control Plan have been developed and will be kept on-site when the plant is in operation. An additional copy will be held at our office at 104 Blackhawk Street, Reinbeck, Iowa.

C. There will be one entrance and exit to the yard from 192nd Street. This entrance will use the Iowa DOT specifications to shake off mud, dirt, etc. when leaving the site.

D. Crushing dust control will be completed with our water tank that feeds directly into the crusher along with our water truck spraying down the stockpiles, driveway, and gravel road as necessary. A broom will be used to address any potential tracking issues on paved surfaces.

E. Water for the crusher and water trucks will be obtained from Western Engineering's plant located off the South Expressway.

F. Solid waste and sanitary management locations will not be determined until the plant is set up and are typically located near the crusher. Littering will not be tolerated on-site; and

WHEREAS, The request was routed to all local utility providers and City Departments. The following comments were received:

A. Council Bluffs Community Development Department provided the following comments:

1. A 'salvage operation' use is defined in Section 15.03.594, *Definitions, Salvage Operation*, of the Council Bluffs Municipal Code (Zoning Ordinance) as *"an establishment engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse in their original forms. Typical uses include automobile wrecking yards, junk yards, salvage yards and scrap processing yards."* The stockpiles and concrete crushing operation would fall under this definition.
2. The crushing of concrete is considered a 'salvage operation' in the context of the Zoning Ordinance and is only allowed as a permanent use if established in an I-2/General Industrial District with the issuance of a conditional use permit by the Zoning Board of Adjustment. The requested temporary concrete crushing use is not defined as a temporary use that can be administratively approved. The applicant has requested to operate a concrete crushing plant (salvage operation) from the date of City Council approval through August 31, 2022, which exceeds the six (6) month time period by which the request could be approved administratively. This time duration cannot be granted administratively and requires the approval of City Council.
3. The hours of operation for the crushing operation shall be limited to Monday through Saturday from 7:00 AM-5:00 PM, as identified in the submitted application.
4. Dust and other bi-products shall be minimized at all times. Equipment shall be located on site to control and/or remove mud from the public street and all dust control measures outlined in the submitted application shall be followed.
5. The operator is responsible to mitigate water quality impacts to receiving water bodies, including locations away from watercourses, drainage courses, and drain inlets.
6. All applicable permits necessary to meet local, state, and federal requirements shall be the operator's responsibility.
7. All product brought on-site shall be limited to materials from the Interstate 29 DOT Project (IM-NHS-29-3(141)53).
8. The amount of material stored on site should be kept to a reasonable level with crushing operations occurring routinely. No additional materials shall be brought on-site if the material stockpiles reach 25 feet in height or if no material has been processed in thirty (30) days or longer. A salvage operation is not intended to be a place for long term storage or disposal of material or debris.
9. Upon completion of the project, tall rubble, materials, debris, and equipment related to the operation shall be removed from site. The

contractor shall request a site inspection to ensure that the site has been restored to predevelopment conditions.

10. The Storm Water Pollution Prevention Plan and Spill Prevention Plan identified in the submitted plan of operation shall be followed for the concrete crushing operation.
11. The requested temporary use permit approval shall expire on August 31, 2022. The applicant may request a 90-day administrative extension of time to allow for the processing of any existing material on-site. No new materials shall be brought to the site during this time. Any extensions of time outside of 90 days shall require City Council approval.
12. The requested temporary use permit shall be valid until August 31, 2022. <u>However, should the applicant complete the identified Interstate 29 project prior to this date, the contractor shall request a site inspection to ensure that the site has been restored to predevelopment conditions prior to August 31, 2022</u>
13. <u>Due to the temporary nature of the request, gravel parking shall be considered an approved parking surface.</u>

B. <u>Black Hills Energy</u> stated that they have no concerns with the request, however, they would like to note that Black Hills Energy does not own the gas line identified on the submitted site plan as abandoned.

C. <u>MidAmerican Energy</u> stated that they have no conflicts with the request and noted that the customer or their agent should contact MidAmerican Energy directly to discuss the project timeline and identify any costs associated with extending electric service to the site; and

WHEREAS, The Community Development Department recommends approval of the request for a temporary use permit to allow concrete crushing (salvage operation) to occur on property legally described as part of the W ½ SW ¼ Section 17, Township 74, Range 43, Pottawattamie County, Iowa, more particularly described in Attachment 'A' in relation to the Interstate 29 construction project through August 31, 2022 subject to the comments stated above and the following conditions:

A. Dust and other bi-products shall be minimized at all times. Equipment shall be located on site to control and/or remove mud from the public street and all dust control measures outlined in the submitted application shall be followed.

B. The operator shall maintain and remain in compliance with all applicable Federal, State, and local permits and regulations, including, but not limited to: the Iowa DNR NPDES General Permit #3, Stormwater Pollution Prevention Plan, and Spill Prevention Plan.

C. The hours of operation for the crushing operation shall be limited to Monday through Saturday from 7:00 AM-5:00 PM.

D. All product brought on-site shall be limited to materials from the Interstate 29 DOT Project (IM-NHS-29-3(14153).

E. The amount of material stored on site should be kept to a reasonable level with crushing operations occurring routinely. No additional materials shall be brought on site if the material stockpiles reach 25 feet in height or if no material has been processed in a month or longer. A salvage operation is not intended to be a place for long term storage or disposal of material or debris.

F. Upon completion of the project, all rubble, materials, debris, and equipment related to the operation shall be removed from site and the site shall be restored to predevelopment conditions. The contractor shall request a site inspection to ensure that the site has been restored to predevelopment conditions.

G. The requested temporary use permit shall expire on August 31, 2022. However, should the applicant complete the identified Interstate 29 project prior to this date, the site shall be restored to predevelopment conditions and the contractor shall request a site inspection to ensure that the site has been restored to predevelopment conditions prior to August 31, 2022.

H. Due to the temporary nature of the request, gravel parking shall be considered an approved parking surface.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the temporary use permit allowing a concrete crushing plant (salvage operation) through August 31, 2022 on agricultural property comprised of 12.85 acres legally described as Part of the W ½ SW ¼ Section 17, Township 74, Range 43, Pottawattamie County, Iowa, more particularly described in Attachment 'A' is hereby approved subject to the comments and conditions set forth above

ADOPTED
AND August 23, 2021.
APPROVED

_____
CHAD M. HANNAN Mayor Pro Tem

Attest: _____
JODI QUAKENBUSH City Clerk