

1.7.25

City of Greenfield
7738 Commerce Circle
Greenfield, MN 55373

Attn: Planning Commission

When listening to the Planning Commission commentary surrounding the CUP application my impressions were that the Planning commission feels most, if not all, of the gravel pits actions should and will be controlled by state agencies like the MPCA. This is evidenced by statements including: "So much of this is mitigated by the other agencies, that conditions we can place are in here, but what the city can have a direct impact on is the hours of operation... I don't know what more we ... we have no control over odor mitigation. That's another entity. We can mitigate hours within reason." In reality, while permits are provided by MPCA etc, the enforcement will not be done by those agencies and the City is not powerless to impose conditions or pursue enforcement of violations.

Those other agencies set minimum requirements for certain technical elements, but the city has authority to require an operator to meet its local zoning requirements, which definitely includes hours of operation, noise, odor, dust, and vehicle traffic. It is the Gravel Pit Operator's duty to ensure that they can operate without having negative impacts on surrounding properties. This means they need to appropriately mitigate nuisances and meet the 9 criteria outlined in the presentation. Specifically, city code section 152.025 STANDARDS FOR GRANTING A CONDITIONAL USE PERMIT states: "*In granting a conditional use permit or altering an existing conditional use permit, the City Council shall require the applicant to demonstrate that the proposed use meets all of the following criteria.*"

- A. *The conditional use shall not adversely affect the health, safety, morals, and general welfare of occupants of surrounding lands.*
- B. *The proposed use shall not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or on the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
- C. *The conditional use shall not lower property values or impair scenic views in the surrounding area.*
- ...
- H. *The proposal includes adequate measures to prevent or control offensive odor, fumes, dust, noise or vibration so that none of these shall constitute a nuisance.*

Do not be mislead into thinking the city is powerless. I firmly assert that the Gravel Pit cannot meet standards A-C and H for granting a Conditional Use Permit, and would challenge you to truly think about what is being discussed here and I hope you will find the same. I have lived here and experienced the daily nuisance of the noise, dust, vibrations, and trucks using Harff road, our driveway, and dominating Greenfield road. We are constantly subjected to the negative aspects of the pit operations. During the 12/10 Planning commission the Pit operator (Dan) stated "they want to mitigate the conditions as much as they can, being a gravel pit it is dirty, noisy at times". Despite the quoted rapid response plan, inspections, ability to direct mitigation strategies conditions A-C and H will not be met in a meaningful way.

A Conditional Use Permit is granted by the city and therefore also enforced by the city. It was disappointing to hear that much of the discussion was surrounding hindrances to the business (ex duration of concrete crushing, operating an asphalt business, and amount to be included in the escrow account) taking precedence over the negative impacts on the residents who chose Greenfield to Live, Work, and Play. Things like concrete crushing and asphalt production are secondary uses to the mining of aggregate granted via CUP. The current proposal will allow these secondary uses, which are hugely disruptive to the neighborhood, to exist forever and without any end date because there will always be concrete to recycle and asphalt to produce. Please eliminate these uses.

One of the topics yet to be determined is an escrow amount for items like sound testing and enforcement. Has the operator ever provided the city with the annual escrow currently required? I do not feel that the historical issues the city has had to enforce with the owners/operators of this pit were adequately discussed. I have outlined some below for further context. But I strongly suggest the city take adequate measures to protect itself and residents specific to the enforcement of this CUP. If history repeats itself, it will be time consuming to not only enforce, but monitor these issues.

Based on previous conversations with staff that were tasked with enforcing the existing CUP, each season when the gravel pit was in full operations there were on average 40-50 complaints; I don't believe staff provided this information to you previously. This was documented by the city and should be in their records. The majority of complaints surrounded Dust, truck traffic – volume and going the wrong way, and noise. In reviewing historical notes from neighborhood conversations I've made an attempt to capture concerns related to the gravel pit when it was in full operation. Some examples include:

- Lack of adequate dust control during processing, mining, hauling, and from truck traffic. Insufficient watering. Gravel pit historically argued once per day was adequate whereas the city requested once per hour.
- Insufficient noise control, monitoring, enforcement. Trucks backing, vibing, banging, honking, crushers, sorters etc.
- Hauling materials onsite (per existing website) such as: disposal of site materials w/examples including rubble (concrete/asphalt, mesh, oversize, brick), RCP dump, stumps, trees, brush, wood chips, Vac Trailer/Truck Mud/ Sediment Dump, Top soil, and clean compatible fill
- Hauling in and then removing dirt repeatedly
- Inconsistent maintenance of berm 2021-2023
- Historical instances where operating outside of CUP hours w/o approval. Includes machinery, trucks, and loaders.
- Trucks queuing on Greenfield road awaiting pit opening, or to enter – at times 4-5 trucks deep.
- Excessive and dangerous truck traffic. Estimates from neighbors include 1 truck per minute around 4:45 and 1 truck every 90 seconds in the morning. Greenfield road is not safe to walk on. Excessive trucks speed, hugging the center line, and trucks not coming to a full stop at pit exit.
- Trucks utilize Harff road despite signage attempts from owner.
- Storage of materials not related to aggregate mining onsite.
- Mining and stockpiling of materials outside of allowed area and onto adjacent property
- Selling of materials to residents and contractors from gravel pit as listed on website
- See Exhibit A for examples of Dust, Noise readings, Trucks on Harff road, Superior Sand and Gravel website

Finally, I believe the statements made about the asphalt plant being allowed by staff were incorrect according to the City code. Even though original documents cannot be located, subsequent amendments provided restrictions on the uses that are applicable to the current owner. Many years ago, the operator stopped using the asphalt plant and removed it from the property. I request this topic to be discussed more thoroughly with consideration to NOT grant the right to an asphalt plant which has not existed for 15 years and according to city planning staff asphalt plants are not allowed in rural residential under the current zoning code.

I will leave you with the same questions my neighbors and I had in 2021 – Please consider strongly why residents must enforce this via complaints. What can be done on a more proactive basis by staff? What can be done via this new CUP process to actually hold the Operator liable with some real penalties, financial or otherwise, if they do not meet the requirements of the CUP. Ensure the CUP provides a path to appropriate mitigation efforts, enforcement, and the right for decisive corrective action; including the ability to revoke the privileges of the *Conditional* Use Permit. Can this operator appropriately meet the criteria needed to grant a CUP? The code is clear that **the city cannot grant the CUP if the operator is unable to meet conditions that will protect the surrounding area.** Please consider what it is like to live nearby this mine/concrete crusher/asphalt plant and lose the ability to open windows and use outdoor spaces because of dust and noise; to *feel* the incessant vibration and hum of machinery while inside your home.

Thank you,
Stefanie Giesmann

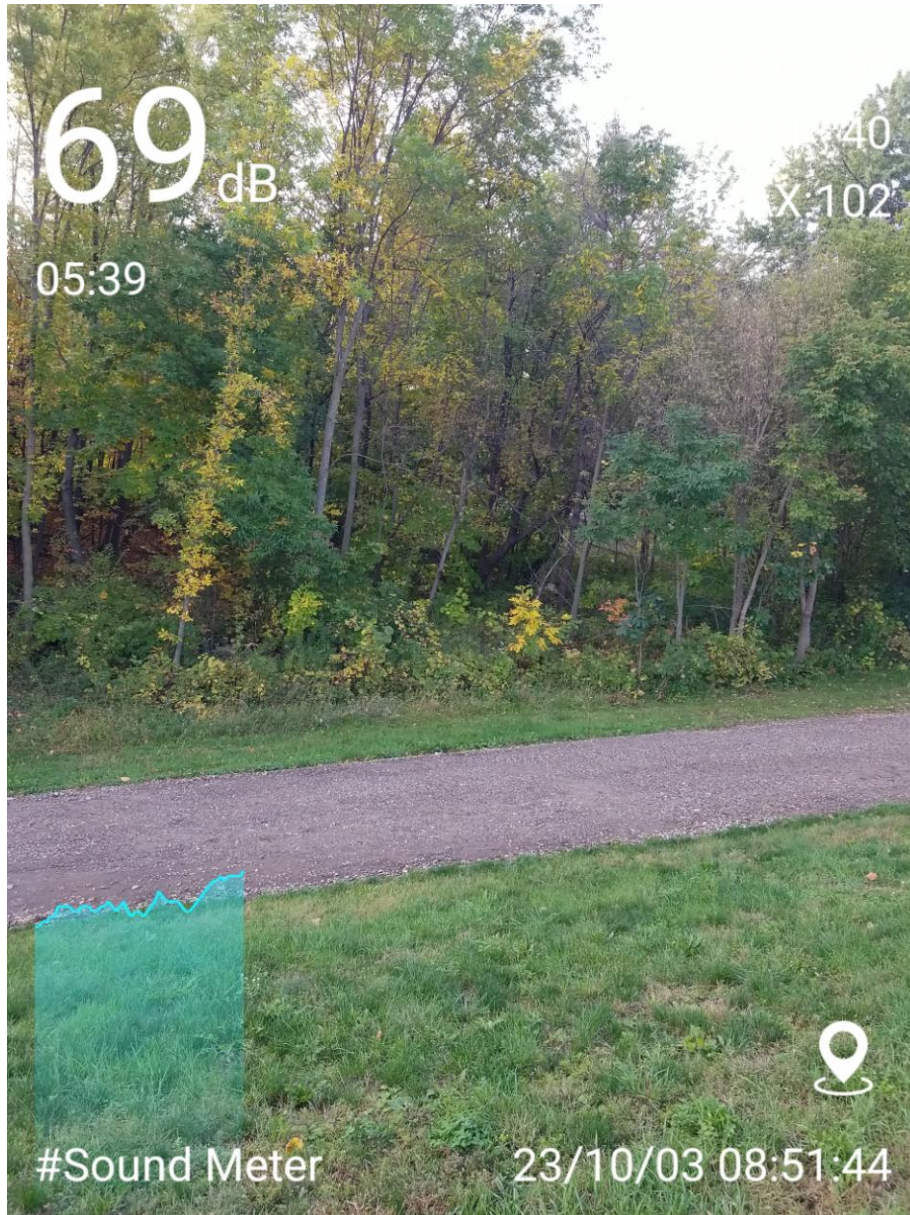
Exhibit A



Dust from gravel pit that has blown across the pit, road, through trees and is in the corn field across the street.



Decible reading measured while standing in driveway during concrete crushing operations. Duration 5Min 39 seconds. Average 69 dB. Max 102. Pattern/escalation of sound in lower left corner. 8:51AM 10/02/23.



Harff road with dust impacts in both east and west direction – various days during use.



Harff road dust cont. during pit operations.



Truck full of concrete using personal driveway to turn around at Harff road dead end and go to proper gravel pit entrance.

Superior Sand and Gravel Website advertising rubble/waste they collect at their Pit operations:

MATERIALS

Looking for a partner to provide materials for your construction projects? Superior Sand & Gravel is an aggregate division of New Look Contracting Inc. and can help you track down whatever you might need.

Superior Sand & Gravel is dedicated to living up to its name by providing superior products to our superior partners. With locations that stretch throughout the Minneapolis-St. Paul metropolitan area and Central Minnesota.

Visit www.superiorsand.net for a full list of products and locations.

We can also dispose of site materials. Examples include:
Rubble — Concrete/Asphalt • Clean Fill • Topsoil • Stumps/Brush



Our pits have a diverse range of materials including but not limited to:

- Class 5 Sand Gravel
- Class 7 Recycle
- Select Granular
- Topsoil (Screened & Unscreened)
- Common Borrow
- Field Stone
- Rip Rap
- ¾" Clear Rock
- 1 ½" Clear Rock

<https://superiorsand.net/solutions/>

wash products

- Washed concrete sand
- Buckshot
- Coarse Filter Agg (1"-1/4")
- Washed 3/4" (3/4" to 1/4") #67
- Washed 1-1/2" to 3/4" Rock
- # 89 Rock

Misc. Products

- Common Borrow
- Granular Borrow
- Select Granular Borrow
- Class 5 Sand & Gravel
- Class 5 Recycle
- 3 inch Clear Recycle
- Black Dirt/Topsoil Unscreened
- Black Dirt/Topsoil Screened
- 3" Minus Limestone
- Granite Rip Pap (CL I, II, & III)
- Limestone Rip Pap (CL I, II, & III)

Rock Products

- 3/4" Clear Rock (3/4" to 1/4")
- 3/4" Radon Rock
- 1-1/2" Clear Rock (1-1/2" to 3/4")

Disposal

- Dump Clean Rubble
- Rubble – Mesh, Oversize, Brick
- RCP Dump
- Dump Top Soil
- Dump Clean Compatible Fill
- Stumps
- Trees, Brush, Wood Chips
- Vac Trailer/Truck Mud/Sediment Dump