

ALTERNATE FINDINGS OF FACT DENYING APPLICATION OF  
BUFFALO BITUMINOUS, INC., FOR EXPANSION OF ITS  
GRAVEL MINING/ASPHALT OPERATION WITH IN THE CITY  
OF GREENFIELD, COUNTY OF HENNEPIN, MINNESOTA

The Greenfield City Council, having considered the application of Buffalo Bituminous, Inc., and having heard testimony from numerous citizens, experts and counsel for all sides, and being of the opinion that Buffalo Bituminous, Inc., does not intend to abide by the terms of the Conditional Use Permit dated March 3, 1981, hereby denies said application for expansion and adopts the following Findings of Fact:

1. That Buffalo Bituminous, Inc., has made application with the City of Greenfield for expansion of its gravel mining/asphalt plant operations with in the City and this application has been reviewed by City Staff, including Attorney, Engineer, Planner and Planning Commission.
2. That the City Council and Planning Commission have held numerous hearings with regard to said application and that public hearings were held on December 10, 1980, and January 20, 1981, for purposes of taking testimony regarding said application. That the application for expansion encompasses the following described area:

That part of the North Half of the Northeast Quarter of Section 10, Township 119, Range 24, lying westerly of the following described line: beginning at a point in the North line of Section 10, 900 feet west of the Northeast corner thereof thence southwesterly to a point in the south line in the north half of the northeast quarter distant 1600 feet west of the southeast corner of said north half of the northeast quarter and there terminating.

3. That the City is in receipt of a petition signed by 94 affected citizens indicating their concerns in the areas of diminution of property value, excessive truck traffic and the danger related thereto, including danger to children and pedestrians, and excess truck traffic adversely affecting automobile use; adverse effect involving noise and odor emanating from the operation; drainage and reclamation concerns.

4. The Council has received professional input, in addition to its own staff, from O. J. Janski & Associates, Inc., appraisers, BRW Consulting Engineers, and staff engineering reports from the Applicant.

5. That the Applicant is required, pursuant to Greenfield City Code, §12.07, to demonstrate that the ten items listed in the above-referenced section are complied with.

6. That the Applicant has failed to demonstrate adequately compliance with the following provisions of §12.07:

(1) The Conditional Use shall not adversely affect the health, safety, morals, and general welfare of occupants of surrounding lands.

(2) 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.

(3) The Conditional Use will not lower property values or impair scenic views in the surrounding area.

(4) Existing Roads and proposed Access Roads will be adequate to accommodate anticipated traffic.

(8) The proposal includes adequate measures to prevent or control offensive odor, fumes, dust, noise, or vibration so that none of these will constitute a nuisance.

(9) The Proposed Conditional Use is consistent with the Comprehensive Plan of the City of Greenfield.

7. That the proposed expansion would adversely affect the health, safety, morals and general welfare of the citizens of Greenfield in that:

- a. Excessive truck traffic exposes pedestrian and vehicular traffic to unreasonable dangers.
- b. There is constant noise and odor adversely affecting citizens from the existing operation.
- c. There is testimony and evidence indicating a diminution in property value of surrounding properties.
- d. The existing road system will not adequately support the type of truck traffic that applicant uses, as evidenced by continued roadway

breakup and damage throughout the operational year,  
and as indicated by expert testimony from the City  
Engineer, Consulting Engineer for concerned citizens,  
and general observation by City Personnel and Staff.

8. That the asphalt plant to be continued by Applicant  
with an expansion is not permitted by City Code and is not  
contemplated in the Comprehensive Plan of the City.

These findings having been adopted this 2nd day of

April, 1981, by the Greenfield City Council.