

Scotty A. & Deborah J. Smith
2081 Little Bear Road
Gallatin Gateway, MT 59730

January 5, 2009

Commissioners Skinner, Murdock and White
Gallatin County Planning Department
311 W. Main, Room 306
Bozeman, MT 59715

RE: Concerns about the Huttinga Gravel Pit CUP

Dear Commissioners,

We are writing to express our continuing concerns in regard to the proposed expansion of the Huttinga Gravel Pit in Gallatin Gateway, MT. We are one of the closest neighbors to the gravel pit operation, being located immediately south of the east end of the operation. We purchased our property in 2001. At that time, the gravel pit was a very small operation, less than 5 acres. We reviewed the conditions of the existing permit, i.e. pit finished in 2010. This was something we could live with, as there was very little disturbance to us at the time. The pit expanded in 2003 and again in 2006 to a total of 25 acres, without any warning to the neighbors (not required at the time). The expansion occurred to the east, directly north of our property. During the last 5 years, we have had to endure the presence of an asphalt batch plant, dust and noise associated with the crusher and the beeping of the equipment as it backs up. Obviously we are alarmed that the pit is once again on the move. Our concerns are as follows:

NOISE—during 2007, the noise associated with the crusher running ALL DAY, EVERY DAY was more than disturbing. With the windows closed in the middle of summer, the noise was still annoying and constant. If you were outside, you would swear there was a freight train passing by. Anyone coming to the house would ask "What in the world is that noise?" You could rely on waking up at 7am without setting your alarm because the noise of the crusher, accompanied by the back-up beeping would begin promptly Monday through Friday. This is in spite of the presence of perimeter berming which is meant to help mitigate noise. At least, the operating hours are Mon-Fri from 7am-5pm. This should remain the same.

We have reviewed the CUP application provided by Mr. Huttinga and noticed the sound level readings to lack a professional and scientific evaluation. How can we expect compliance by Mr. Huttinga and/or enforcement of sound level standards without a scientific basis? Shouldn't such an important condition **REQUIRE** professional evaluation? We know that other pits are required in the terms of their permit to monitor and report the sound levels for a certain period of time, this requirement being based on professional evaluation of noise generated by pit operations, i.e. crushing, etc. We would ask for the same requirement at the Huttinga Pit.

We understand that a gravel pit will be crushing gravel. We do think that steps **must** be taken to minimize the noise disturbance to the surrounding neighbors. **Real noise mitigation** must be included in the conditions. This can be accomplished in a number of ways: enclose the crusher in a building, buy a bigger crusher that can accomplish the job in a shorter amount of time, shorten the number of hours in day the crusher is allowed to run, or restrict the number of days in a month the crusher can run. Some of these options do

cost the pit owner money, i.e., larger crusher or enclosure, but that should be part of the cost of doing gravel business near residential development, they should be required to do what is the best to mitigate the disturbance they are causing.

DUST—dust from the gravel pit is at its worst when the crusher is running, and there is some wind. The summer months are the worst since we do open our windows, except on the hottest of days; therefore, there is a continuous presence of dust in our house no matter how often one cleans. The road into the gravel pit is also responsible for stirring up the dust when the trucks enter and leave the facility. I routinely walk on Little Bear Road and have witnessed and inhaled the dirt and dust stirred up by the trucks. I have also witnessed a cloud of dust hanging in the air above the pit on many occasions. I have also noticed that very few trucks have covers on their loads. This is a potential problem for anyone who has ever had to drive down the highway behind a gravel truck.

PREDICTABILITY—in spite of the opposing views on whether gravel pits impact property values, as a property owner, we should have some predictability in knowing what the duration of the gravel operation is. The adjacent property owners have rights too. If in fact, property values are diminished because of close proximity to a gravel pit, a definitive end to the gravel operation would give the adjacent property owner some peace of mind that there will be time for values to rebound. Unpredictability, unending duration and infinite expansion do adversely affect adjacent property. We all make financial decisions and investments in our properties based upon the given set of circumstances. The way it has played out to date; there does not seem to be an end, the permits continue to creep along farther and farther. Approving the Huttinga Pit until 2020 is too long. How can we even trust it will stop then?

PROPERTY VALUES--in Mr. Huttinga's CUP application is a professional appraiser's opinion about the effect of gravel pits near a residential property. In his write-up, he cites our property as supporting evidence for the argument that there is no impact. The appraiser makes the following speculation about our property: "It appears this purchaser did not then consider the pit a minor nuisance at the time". The pit at the time of our purchase as I already mentioned, was a very small operation, and we "knew" the permit was done in 2010. Regardless; the appraiser has no basis or knowledge of what our thinking was when we purchased our property since he did not know us or anything about us. We do take issue with him for making such suppositions to support his argument, which we totally disagree with!

We in fact hired this very appraiser in 2006 to appraise our property because as we told him, due to the gravel pit expansion and increased activity; we were considering moving. His appraisal of our property did not take into consideration that it is less than a ½ mile from a gravel pit. His comparables did not include a similar property less than a ½ mile from a gravel pit. If we did choose to sell, and the crushers were operating on the day of a potential buyer's visit, well, you can draw your own conclusions.

We would never have made the large investment in our property if we had known the pit would be in operation until 2020!

WEEDS—we have never seen any sign that weed control is being done around the perimeter of the pit, i.e. berms; either spraying or hand pulling. This lack of weed control definitely impacts the presence of weeds on our property. We are diligent about hand

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spraying, and hand pulling the thistle and other weed seeds that are blown into our pasture because our neighbor does not control his weeds.

TRAFFIC SAFETY—Little Bear Road is narrow, without any type of shoulder. When two cars pass each other, there is little room for a pedestrian or bicycle. When two gravel trucks pass each other, there is **no** room for a pedestrian or bicycle traffic. Little Bear Spur road is a gravel road, it is even narrower. If traffic studies suggest an increase in overall traffic, with continued gravel truck usage, the road should at least have shoulders, Little Bear Spur should be paved and the bridge on Little Bear Spur should be evaluated. The bridge is a one vehicle bridge and doesn't look like it is strong enough to hold the weight of a large gravel truck. Many residents along Little Bear walk run or ride bicycles. There are more and more children coming of an age to ride their bicycle on the road. I would not consider it safe for children in its current condition.

ENVIRONMENT--The valley is rich in gravel, but is also rich in scenic beauty, and what used to be fertile agricultural land (now subdivisions). It seems that the Gallatin Valley is destined to pockmarked and scarred for eternity by gravel pits. Nice legacy to the future.


WHAT IS THE MARKET FOR ALL OF THIS GRAVEL? There is a proliferation of gravel pits in our valley stimulated by the past building/subdivision development frenzy. Those days seem to be gone, at least for the near future. So who is going to buy all of this gravel? Is there really a need for additional capacity of gravel production? Does anyone know what quantity of gravel reserves we have available right now? New infrastructure projects will have a need, but will they need the huge quantities already available?

We appreciate your attention to this very important matter. We do applaud the process that is currently in place. We support the current effort to create requirements and standards for gravel pit operations, both in the case of expansion and new development. **All** gravel pits should be subject to equal scrutiny, i.e. professional EA's, oversight and enforcement of the conditions they are allowed to operate by.

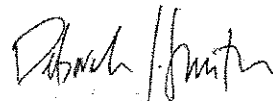
We know the Huttinga Pit will expand, that much is clear. We do expect protection of our health, safety and welfare by our public officials, and therefore ask that conditions be placed that will help ensure that protection. We also ask that the Huttinga Pit be held to the same requirements as the other gravel pits in the county. The EA submitted with his application does not equal the EA's submitted with other pit applications in terms of its thoroughness and professional evaluation of the data. This process should be consistent in its requirements.

To summarize our main concerns: NOISE, DUST, PREDICTABILITY, PROPERTY VALUES, WEEDS, TRAFFIC SAFETY, ENVIRONMENT, AND WHAT IS THE MARKET FOR ALL THIS GRAVEL.

Thank you for your time in reading our letter.



Scotty A. Smith



Deborah J. Smith

Cc: Tom Rogers, Greg Sullivan