

PLANNING COMMISSION REGULAR MEETING MINUTES
JANUARY 25, 2022
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I. Regular Meeting

Call to Order:

Pursuant to due call and notice thereof, the Regular Meeting of the Planning Commission was held on January 25, 2022. Vice Chair Reed called the meeting to order at 6:30 p.m. with Commissioners Schmisek, Marlow, Thiagarajan, Rivera and Hebert. Absent was Chair Kenninger. Also, in attendance were Senior Planner Nemcek, Planner Hogan, and Recording Specialist Bodsberg.

The Pledge of Allegiance was said.

Additions to Agenda: None.

Audience Input: None.

Consent Agenda:

4.a. Approval of the December 20, 2021, Regular Meeting Minutes.

4.b. Request by Tamarack Land Development for a Final Plat Approval of Ardan Place 2nd Addition (22-01-FP).

MOTION by Reed.

Second by Schmisek.

Ayes: 5. Nays: 0. Rivera Abstained.

Public Hearing:

5.a. Renewal of the Max Steininger, Inc. Small Scale Mineral Extraction Permit for 2022. **(21-69-ME)**

Planner Hogan gave a presentation and summary of the staff report for the Planning Commission.

The public hearing opened at 6:36 pm.

Public Comments:

Max Steininger, 3070 Lexington Ave South, Eagan, stated that he is attending the meeting in place of his son, who couldn't make it to the Planning Commission meeting.

MOTION by Reed to close the public hearing.

Second by Schmisek.

Ayes: 6. Nays: 0. Motion Passes.

The public hearing closed at 6:37 pm.

Additional Comments:

Vice-Chair Reed stated that the proposed application is a renewal.

MOTION by Marlow to Recommend City Council approve the renewal of the Max Steininger, Inc. Small Scale Mineral Extraction Permit for 2022, subject to the terms and conditions in the attached Draft 2022 Conditions for Mineral Extraction.

Second by Rivera.

Ayes: 6. Nays: 0. Motion Passes.

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5.b. Request by Dakota Aggregates to approve renewal of their Large Scale Mineral Extraction Permit for 2022.
(21-68-ME)

Senior Planner Nemcek gave a presentation and summary of the staff report for the Planning Commission.

Commissioner Rivera inquired about when the northern dry mining will be complete. Nemcek stated that the mining has to be done by 2028. The applicant anticipates the mining to wrap up before 2028.

Vice-Chair Reed questioned why there are no noise complaints, even as the mining has started to move closer to residents. Nemcek stated that there is no hauling or tailgates from the trucks. The mine is also located behind a berm.

Commissioner Hebert inquired if there is any concern with the development to the east of the mine. Nemcek stated that the start of the development will start in the northern corner of the site. There will be space between the development and the mines. Potential buyers of these properties will be notified about the active mine.

Vice-Chair Reed questioned if the night time hauling condition should be removed from the permit. Nemcek stated that is correct. That condition should be removed from the condition list.

The public hearing opened at 6:53 pm.

Public Comments:

Pat Mason, 2500 West County Road 42, Burnsville, Dakota Aggregates, stated that they are available for any questions. No more truck hauling is happening. They have met with the property owner that purchased the land to the east of the mine.

Vice-Chair Reed inquired about how long the mining will continue at this site. Mr. Mason stated that would be hard to say. The north mine is ahead of schedule, and it really depends on how much rock we find. Hoping to wrap up within the 40-year time line.

Ruth Simons, Bloomfield Path, questioned how traffic will be affected at the intersection of Biscayne Ave and County Road 42.

MOTION by Reed to close the public hearing.

Second by Hebert.

Ayes: 6. Nays: 0. Motion Passes.

The public hearing closed at 6:59 pm.

Additional Comments:

Senior Planner Nemcek stated that all of the current traffic is going south to County Road 46. Traffic is not expected to go up at the intersection of Biscayne Ave and County Road 42.

Vice-Chair Reed stated that he is glad to see that the noise has not been an issue for residents.

MOTION by Schmisek to recommend that the City Council renew the Dakota Aggregates Large Scale Mineral Extraction Permit for 2022, subject to the terms and conditions in the attached Draft 2022 Conditions for Mineral Extraction Permit.

Second by Hebert.

Ayes: 6. Nays: 0. Motion Passes.

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5.c. Request by Flint Hills Resources for an Interim Use Permit to Construct a Solar Facility on 314 acres West and Southwest of its Pine Bend Refinery. **(22-03-IUP)**

Senior Planner Nemcek gave a presentation and summary of the staff report for the Planning Commission.

Vice-Chair Reed inquired about what the approval process would be to obtain an Environmental Assessment Worksheet (EAW). Nemcek stated that once the EAW is complete it will be reviewed by WSB Engineering and then would be brought to the City Council. The grading permit will be reviewed, along with the stormwater review. The UL

certification is completed by a third party organization. They will review that the land doesn't have to always be a solar facility.

Commissioner Thiagarajan inquired if there is any consideration for the layout of the solar facility to go vertical instead of horizontal. Because it covers such a large area of land.

Commissioner Marlow questioned what would happen after the facility is running. If Flint Hills determines that any surrounding trees is affecting the solar panels, would they be able to take them down or would they have to come back to the City for approval. Nemcek stated that if a developer anticipates to move faster, they will have to submit a tree inventory. If they do need to take down additional trees, they would need to try and keep the number of trees below the threshold to where any replacements would be required. If they do go over the threshold, they would be replaced in accordance with the City code.

The public hearing opened at 7:14 pm.

Public Comments:

Jake Reint, 681 Lexington Parkway South, St. Paul, Flint Hills Resources, stated that the proposed location for the project is in an efficient location from the refinery. The project is anticipated to provide about an average of 40% of the refinery power.

Commissioner Hebert questioned about the construction timeline and how it will impact surrounding neighbors. Mr. Reint stated that the project would start in a few months and would hopefully be complete by summer 2023.

Commissioner Thiagarajan questioned why the project is laid out horizontal instead of vertical. Mr. Reint stated that the proposed layout is their first plan. They need it as close to Flint Hills Refinery as possible. If they would change the layout to vertical, the solar garden would then be closer to residential neighborhoods. They will retain their buffer property and try to continue having as much space between the refinery and neighbors.

Commissioner Schmisek questioned if noise will be an issue. Mr. Reint stated that they are not expecting them to be noisy. They will be quite a bit quieter than the refinery.

Commissioner Reed stated that he likes that the plan includes a pollinator friendly groundcover. Reed questioned what the landscape buffer they would be using. Mr. Reint stated that Flint Hills are currently getting suggestions from environmental organizations. The plan is to open up a second flank for ecological work and try to maintain the habitat.

Anthony Darsow, 1770 Bonaire Path, stated that he is concerned about additional dust from the Bonaire Path dirt road during construction of the solar facility.

MOTION by Reed to close the public hearing.

Second by Rivera.

Ayes: 6. Nays: 0. Motion Passes.

The public hearing closed at 7:24 pm.

Additional Comments:

Senior Planner Nemcek stated that truck traffic bringing in materials will occur on Blaine Ave/Rich Valley Blvd.

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MOTION by Hebert to Recommend that the City Council approve the Interim Use Permit (IUP) allowing Flint Hills Resources to construct a solar facility to provide energy to its Pine Bend Refinery, subject to the following conditions:

- a. The project shall be subject to all requirements under city code and policy related to such development and improvements.
- b. An environmental assessment worksheet shall be provided by the applicant for review by the appropriate agencies and accepted by the City.
- c. The applicant shall submit a landscape plan and associated surety in the amount of 110% of the proposed landscaping cost prior to building permit approval.
- d. Applicant shall apply for the receive a grading permit prior to construction.
- e. The applicant shall conduct a tree inventory and submit for review with a grading permit application. Any required tree replacement shall be included in a landscape plan.
- f. Applicant shall provide sufficient parking where appropriate to ensure access to roadways remain clear for emergency vehicles.
- g. Ground or wall signs shall be approved through a separate permit.
- h. If lighting will be provided, the applicant shall submit a detailed lighting plan and cut sheet for all light fixtures consistent with the City's lighting standards as part of its building or electrical permit submission.
- i. Submission of a certification from Underwriters Laboratories, Inc., or other appropriate certification as determined by the city, prior to receiving a building permit. The City reserves the right to deny a building permit for proposed solar energy systems deemed to have inadequate certification.
- j. Any solar energy system remaining nonfunctional or inoperative for a continuous period of one year shall be deemed abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after obtaining a demolition permit. Removal includes the entire structure including transmission equipment.
- k. There shall be no assignment of the interim use permit without the written approval of the City. The permittee will be responsible for all requirements of this permit and all applicable City ordinances for the permit period unless the permittee gives sixty (60) days prior written notice to the City of termination and surrenders the permit to the City.
- l. The permittee shall grant to the City, its agents, employees, officers and contractors, including agents, employees and contractors of any surety, an irrevocable license, in a form approved by the City Attorney, to enter the property to perform all work and inspections deemed appropriate by the City to enforce conditions or to perform work as a result of the permittee's default. This license shall continue in effect until all conditions imposed by the City have been complied with.
- m. The permittee shall hold the City harmless from all claims or causes of action that may result from the granting of the permit. The permittee shall indemnify the City for all costs, damages or expenses, including but not limited to attorney fees that the City may pay or incur in consequence of such claims.
- n. Conformance with all requirements of all other applicable regulatory agencies including, but not limited to, Dakota County and the State of Minnesota.

Second by Marlow.

Ayes: 6. Nays: 0. Motion Passes.

Discussion: None.

Reports: None.

Adjournment: There being no further business to come before this Commission, Vice Chair Reed adjourned the meeting at 7:27 pm.

Respectfully submitted,
Stacy Bodsberg, Recording Specialist