

Commissioner Philippi – Suggested Resolution Clauses
Zavoral Mining and Reclamation Project
2012/01/07

[Insert the perfunctory Whereas clauses here, e.g. “Tiller Corporation has applied for a Conditional Use Permit [CUP] . . .]

[Insert the clauses where appropriate that relate to BOTH the mineral resource goals and policies AND the natural and scenic resources and goals, sufficient to communicate the necessary balancing of those aspects through the CUP review]

Whereas, the Planning Commission has no expressly prescribed role in an EIS in the City of Scandia Development Code and

Whereas, the Planning Commission is required, under the procedures of Chapter One Section 8.2(7), to make a finding of fact related to a request for a CUP and

Whereas, [the Purpose from Ch. 1 / Sec 8 here]

Whereas, [the General Criteria from Ch. 1/ Sec 8 here]

Whereas, [the Performance Standards from Ch. 1 / Sec 8 here]

Whereas, [the Amendment from Ch. 1 / Sec 8 here]

Whereas, the Planning Commission’s independent analysis of the Traffic studies conducted on behalf of the City during the EIS did not ensure that there would be no significant negative impact on public safety, including but not limited to the intersection of Hwy 95 and 97, the haul route(s) and the intersection of Hwy 97 and Lofton, and which presented no opportunity for further study or mitigations sufficient to ensure no negative impact and

Whereas, the Planning Commission’s independent analysis of the Noise studies conducted on behalf of the City during the EIS did not ensure that there would be no significant negative impact on the enjoyment of existing adjacent uses, including but not limited to nearby homes, businesses and institutions along the haul routes, as well as users of the adjacent St. Croix National Scenic Riverway, including the full diversity of resident and migrant wildlife communities, and which presented no opportunity for further study or mitigations sufficient to ensure no negative impact and

Whereas, the Dust studies conducted on behalf of the City during the EIS did not establish assurance that there would be no negative impact on the life, health and safety of the existing adjacent uses, as well as homes, businesses and

institutions along the haul routes, as well as users of the adjacent St. Croix National Scenic Riverway and presented no opportunity for further study or mitigations sufficient to ensure no negative impact and

Whereas, the Property Value Study conducted on behalf of the City during the EIS did not establish assurance that there would be no significant negative impact to the value of existing properties and presented no opportunity for further study or mitigations sufficient to ensure no negative impact and

Whereas, the Scenic View Study conducted on behalf of the City during the EIS did not establish assurance that there would be no significant negative impact to the views of the St. Croix National Scenic Riverway and the St. Croix National Scenic Byway and

Whereas, the Groundwater Study conducted on behalf of the City during the EIS did not establish assurance that there would be no negative impact to the groundwater resources and the groundwater dependent resources down gradient of the Project Site and

Whereas, the Hydrogeologic Studies conducted and testimony given on behalf of the City during the EIS failed to establish with assurance that there would be no significant impact on the stability of adjacent fragile slopes and

Whereas, the cumulative and complex regime of monitoring of activities on site that have been contemplated and would be required to mitigate the numerous significant potential impacts have not been determined to be within the City's capacity to manage, nor can they reasonably be expected to establish assurance that there would be no significant negative impacts to life, safety, health, property values, enjoyment of use, etc. and

Whereas, the AOP Process has been demonstrated to be an unreliable means of assuring compliance with the conditions of a CUP or concordance with the original stated intent of operation and

Whereas, the Proposer alone may request an additional extension of the time limit of the CUP review process but to date has made no indication to the Planning Commission that it is willing to do so and

Whereas, the Proposer would need to consent to the request for and agree to be responsible for the expense of any additional expert testimony the Planning Commission may request, but to date has made no indication to the Planning Commission it is willing to do so and

Whereas, the Proposer has indicated to the public and the RGU of Scandia that the Zavoral Mining and Reclamation Project is already the most extensively studied simple gravel mine without processing in their experience

Now therefore, be it resolved by the Planning Commission of the City of Scandia, Washington County, Minnesota finds the proposed Zavoral Mining and Reclamation Project CUP Application fails to meet the standards for approval as enumerated in Chapter One, Section 8 of the City of Scandia Development Code: