

PLANNING COMMISSION MINUTES

DATE: October 28, 2013

TIME: 4:30 p.m.

PRESENT: Chairperson Porter, Commissioners Boettcher, Gromek, English, Ballard, Hahn, Buelow, and Olson

ABSENT: Commissioner Davis

STAFF PRESENT: City Planner, Mark Moeller; and Assistant City Planner, Carlos Espinosa

The meeting was called to order at 4:30 p.m. by Chairperson Porter.

Approval of Minutes – October 14, 2013

The minutes for October 14, 2013 were approved without changes upon motion by Commissioner Boettcher and second by Commissioner Buelow.

Public Hearing – Zone Change/Andring Et Al

Steve Peterson, representing the petitioner, provided an introduction to the rezoning request. Mr. Peterson stated that one of the petitioners (Chris Roffler) currently resides just to the east of the subject properties and R-2 zoning is being requested to re-establish a triplex residential use. Following rezoning, it is the intent of Michael Andring (owner) to sell the subject properties to Chris Roffler and Jennifer Nogosek. Mr. Peterson stated that the subject properties formerly housed a grocery store and that was most likely the reasoning behind the original B-3 zoning. Mr. Peterson stated that the adjacent properties are all zoned R-1 and that the requested R-2 zoning will better preserve the character of the neighborhood than the existing B-3 zoning. Mr. Peterson stated that one reason why Mr. Roffler is part of the rezoning request is that since he lives next door, he does not want to see non-residential development of the subject properties.

Mr. Moeller summarized staff's analysis as follows:

1. No error or oversight in original zoning was made.
2. Neighborhood zoning/development patterns have remained stable since enactment of original zoning.
3. Given use and performance standard controls of the R-2 District, approval of the petitioners request is not expected to result in "undue hardships" on the adjacent neighborhood. On the flip side, retention of current B-3 Zoning "could" result in such impacts.
4. Rezoning would promote "higher and better" use scenarios than exist under present zoning thereby resulting in long term stability to the neighborhood. Such stability cannot be achieved under potential use scenarios of present B-3 Zoning.

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5. Spot zoning is not evident. Requested R-2 zoning would be consistent with current long term plans for the neighborhood surrounding the rezoning site.

Given the previous concerns, staff fully supports this rezoning request.

Chairperson Porter then opened the public hearing. There being no one desiring to speak for or against the petition, Mr. Porter closed the hearing.

Commissioner Boettcher motioned to approve the rezoning request. The motion was seconded by Commissioner Hahn. There being no comments or questions from commissioners, Chairperson Porter called for a vote. Upon vote, the motion passed unanimously.

Update: Air Quality Monitoring

Mr. Espinosa briefly introduced the agenda item and stated that representatives from the MPCA were in attendance to help answer questions about air monitoring. Mr. Espinosa stated that he had begun discussions with the representatives about a potential location for the proposed air monitoring equipment. The equipment would be placed along a truck route with a high amount of silica sand traffic. Mr. Espinosa stated the one potential location could be the rooftop of the YMCA building on Fourth Street.

Chairperson Porter asked if the MPCA representatives would like to address the questions from the public before taking questions from the commissioners.

Frank Kohlasch, Manager of the MPCA Air Assessment Section, stated that he has been in communication with staff, and that Mr. Espinosa had forwarded two questions from the public and two from city staff to be addressed at the meeting. Mr. Kohlasch stated that the first question had to do with difference in size between Winona's silica sand operations and those in other parts of the state. Mr. Kohlasch stated that it's his understanding that the three Minnesota silica sand operations that will be doing monitoring are larger than those in Winona. However, Winona's sand operations, while smaller, are closer to residential areas.

Mr. Kohlasch stated that the second question had to do with describing the different types of air quality permits issued by the MPCA. Mr. Kohlasch stated that there are three types of air permits issued by the MPCA:

1. A General Permit – directed specifically to sand and gravel mining operations.
2. A Registration Permit – a permit where an operator agrees that a facility will not emit more than a certain amount of any type of pollutant.
3. An Individual Permit – a permit written specifically for one operation. In terms of silica sand operations, facilities with a dryer would likely trigger the need for an individual permit.

Mr. Kohlasch stated that the third question had to do with uncovered railcars. Mr. Kohlasch stated that this is a challenge because federal regulations preempt the state's

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ability to put requirements on railcars. The MPCA's best recommendation is to work with facility operators to reduce the potential for dust from uncovered railcars. Mr. Kohlasch also stated that the finished product (silica sand) is much larger than the respirable size fraction (PM₄) and that once placed inside a railcar it's not anticipated that there would be large emissions of respirable dust.

Mr. Kohlasch stated that the final question related to requiring facilities to do air monitoring. For the questions Mr. Kohlasch referred back to the MPCA's letter where it was stated that monitoring is being required for facilities that trigger an individual air permit. At these facilities, two monitors are required – one upwind and one downwind to measure for Total Suspended Particles, PM₁₀, PM_{2.5} and PM₄ crystalline silica. One of the silica sand mines currently doing monitoring is monitoring for PM₁₀ crystalline silica. Preliminary data is showing that over the past year there was only one detect of ambient crystalline silica at approximately 2.3ug/m³ – lower than the health benchmark of 3ug/m³. Mr. Kohlasch stated that the requirement for monitoring is typically instituted as part of a regulatory action such as application for a permit or environmental review, or as part of an enforcement action.

Commissioner Boettcher asked about the potential location of the air monitoring equipment on the roof of the YMCA and if it is outside the range for human habitation. Mr. Kohlasch responded that the YMCA rooftop location is a good fit based on the guidelines for air monitoring established by the US Environmental Protection Agency. In particular, location on the rooftop is within the "breathing zone" as defined by the EPA. The rooftop also provides proper security for the instruments. Finally, the roof is high enough to allow for measurement of particulates based on the stack height of the trucks' exhaust pipes when they are moving and in stopping and starting motions.

Commissioner Gromek asked if other monitoring is occurring along truck routes. Mr. Kohlasch responded that the MPCA does have monitors along other truck routes in the state, but this would be the first monitor specifically located along a silica sand truck route.

Commissioner Gromek asked if the instrumentation would be the same as at other sites in Minnesota. Mr. Kohlasch replied affirmatively.

Commissioner Gromek asked about the regulation of diesel particulates and the ability to stop trucks from utilizing roads. Mr. Kohlasch stated that the best way to address diesel particulates is to ensure that trucks are utilizing clean diesel fuels and that the trucks are later models. However, because fuels and vehicle emission standards are regulated at the federal level, there is very little room for state and city regulations in these areas. As a result, other ways to limit emissions must be examined. One such approach is requiring trucks to use specific truck routes which don't have a lot of stop signs and generally don't run through residential areas.

Commissioner Gromek asked about an anti-idling ordinance for trucks. Mr. Kohlasch responded that the MPCA's anti-idling recommendation was made based on similar regulations in the Twin Cities. This type of ordinance generally targets delivery trucks

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so that they are not idling while deliveries are being made. Mr. Kohlasch stated this type of ordinance may be difficult to apply to silica sand facilities where truck generally do not stop for extended periods of time, but such an ordinance could help reduce particulates in other parts of Winona.

Commissioner Buelow asked if it was common to have two monitors in one location or if it would be better to spread them out. Mr. Kohlasch responded that the proposal for Winona has one monitor measuring PM_{2.5} and the other measuring PM₄ crystalline silica. It is typical to place monitors together, and it would advantageous to do the same in Winona in order to obtain a more complete picture of the air quality in one location.

Chairperson Porter asked about the MPCA's 2014 air monitoring plan and why monitoring in Winona wasn't part of the plan. Mr. Kohlasch stated that the specific request for monitoring in Winona was made after the report was written. Also, the report is primarily meant to demonstrate compliance with federal guidelines and provide the public with a chance to comment on the agency's air monitoring network. Mr. Kohlasch stated that although the plan doesn't include monitoring in Winona – this doesn't prevent the agency from doing so.

Chairperson Porter asked if there were any requests in the public comment period to place an air monitor in Winona. Mr. Kohlasch responded that there weren't.

Commissioner Boettcher asked about the timeline for monitoring in Winona. Mr. Kohlasch stated that it would depend on final approvals by the City, but that if a satisfactory site is identified, at the Y for example, prep work can be completed before it snows and the equipment could be installed on or before the first of the year. A January 1st start date would align with the monitoring schedule of other air monitors for comparison purposes.

Chairperson Porter asked if the air monitor at Great River Bluffs State Park could be compared with results from the Winona monitor. Rick Strassman, MPCA, stated that these results from this monitor, as well as others from throughout the state would be comparable with Winona results.

Commissioner Boettcher asked about air quality results from other areas of the state in light of the MPCA's fine particle monitoring program which started in 1999. Mr. Strassman stated the results show the Twin Cities area is meeting federal standards for fine particulates in both daily and annual measurements.

Chairperson Porter asked for more clarification on the potential for silica emissions from freshly mined sand versus processed sand. Mr. Kohlasch stated that after the sand has been processed, the individual particle sizes are much larger than the sizes the MPCA is concerned about. If processed silica sand is sitting in a railcar, the MPCA does not anticipate the generation of PM₄ because those size particles will have already been removed from the finished product and the sand is sitting undisturbed.

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Mr. Porter asked about the potential for processed sand brought into Winona to produce particulate emissions. Kohlasch stated that if the sand is coming into Winona as a finished product, the MPCA does not anticipate that there is a mechanical force or any other type of operation that would lead to generation of the PM4 size fraction.

There being no other questions from Commissioners, Chairperson Porter thanked the MPCA representatives for their attendance. Mr. Porter then asked staff if any thought had been given about how to proceed. Mr. Espinosa responded that the discussion today should be considered in the context of the full set of recommendations from the CEQC. Mr. Espinosa stated that he could put together that information for the next Planning Commission meeting or the Commissioners could look at making a recommendation at this meeting. Mr. Porter asked the Commissioners what they'd like to do. The consensus was to have staff put together information for consideration at the next meeting.

Other Business

Chairperson Porter recognized that this was the last meeting for Commissioner Gromek as he is planning to retire from his day job and also not continue past his current term as a commissioner. Mr. Porter thanked Commissioner Gromek for his 12 years of service on the Planning Commission.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 5:30 p.m.

Carlos Espinosa
Assistant City Planner