

PLANNING COMMISSION MINUTES

DATE: April 23, 2012

TIME: 4:30 p.m.

PRESENT: Chairperson Porter; Commissioners Briggs, Ballard, Eyden, Buelow, Gromek, Boettcher and Olson

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

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

Approval of Minutes

The minutes from February 27, 2012 were reviewed, and upon motion duly made, and seconded, were unanimously approved as submitted.

Sand Study Process

Chairperson Porter called on Carlos Espinosa, Assistant City Planner, to provide a summary of the staff report pertaining to this issue. Mr. Espinosa noted that during its last meeting, the City Council had designated the City Planning Commission as the committee to guide and review the sand moratorium process. In that directive, Council had also requested that some form of public comment opportunity be created during any meeting where sand mining and processing issues are discussed. Given this directive, he would ask that the Commission discuss how it would like to implement public participation, as part of the Commission study process.

Mr. Espinosa stated that he had prepared a proposed study plan with six general headings including:

- 1) Review and modify the plan and scope of study as presented to the Commission this afternoon.
- 2) Meet with state agencies and hold a public information meeting to help answer general questions. All meetings would be open to the public.
- 3) Address general issues, on a topic by topic basis with the Planning Commission and set deadlines to move to site by site analysis of current sand mining and processing establishments.
- 4) Conduct a site by site analysis of present sand mining and processing operations with the Planning Commission in addressing how state and local regulations apply to each and how each operation was established.
- 5) Make recommendations for changes based on research and Planning Commission review. Potential changes include modifications to the City's Zoning Ordinance or Sand Mining/Processing Performance Standards as recently adopted under Conditional Use Permit processes for these.

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- 6) Provide bi-monthly updates to Council. All amendments assembled in a final report to Council.

In addition to the previous, Mr. Espinosa stated that progress reports, agendas, and Commission minutes will be posted on the City's website under "Frac Sand Information." As such, it was hoped that the Commission study process would be as transparent as possible. Again, the only missing link to all of this is how the Commission would promote public participation and comment in its process.

Mr. Espinosa stated that a number of state agencies had met last week to coordinate and share information relative to the silica sand mining/processing issue. Although he had not yet heard of what transpired during that meeting, staff has also been communicating with these agencies in attempting to coordinate a similar round table discussion in Winona. This meeting would provide a key component in the Commission's discussion of silica sand issues and how such issues may be addressed during the moratorium. Once this larger round table meeting is completed, he hoped to be able to bring individual agency representatives back to Winona to discuss more specific issues related to various environmental (i.e.: air, water, and traffic) impacts that are envisioned relative to sand mining/processing industries. Since he has not yet heard from all agencies, a specific schedule has not yet been developed. However, staff will continue working on this, and will advise the Commission once this information is known.

Mr. Espinosa stated that staff would also present a number of general issue items to be discussed during the moratorium period. Again, involving various state agencies, such issues would relate to include state air permitting, state water permitting, environmental reviews, traffic impacts, and road wear. In addressing these, he envisioned that staff would also be communicating with various entities from both Wisconsin and Winona County. If necessary, consideration may be given to various regulations that had been adopted by these entities.

Finally, Mr. Espinosa explained that the site by site analysis would include an evaluation of every present sand mining and processing operation within the City. Generally, these industries were established prior to the moratorium and, under their present structure, have been grandfathered in as permitted uses. He envisioned that this site by site analysis would include a history of each, narrative of current operations, and State and Local Regulations that might apply to each. Again, under City policy, a Conditional Use Permit would be mandated if such uses undergo an expansion.

Chairman Porter noted that the first issue he would like to tackle this afternoon would be how to structure the public input process. He suggested that a public "open mic" window be established at each meeting where the Commission discusses sand mining and processing.

Commissioner Gromek stated that, in concept, this is a big issue that can only be worked through by breaking it into smaller parts for discussion as various meetings. As

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such, it will be necessary that the Commission retain a strong focus to each study segment as they come up for discussion.

Commissioner Eyden suggested that, public comment periods be established at both the beginning, and end, of a Commission meeting. It was also suggested that time limits be established for commenters.

Chairman Porter also noted that, as a matter of procedure, he had asked that the Council Chambers be used for any meeting at which sand mining/processing issues are discussed. Following further discussion, the consensus of those present was that all Commission meetings, where sand mining/processing issues are going to be discussed, should include public comment windows at both the beginning and end of the meeting.

In reviewing issues as presented in the staff report, Chairman Eyden asked where basic information would come from. For example, if the Commission is planned to discuss air permitting/quality issues at a specific meeting, who would provide data for Commission consideration. Again, Mr. Espinosa stated that it was staff's desire that when these issues are discussed, applicable state agency representatives be involved. Outside of these, it may be conceivable to bring in other outside resources. However, no budget has been established to assist with this effort.

Chairman Porter stated that given the general outline presented in the staff report, he would like to begin laying out a more specific timeline for further study of these. Mr. Espinosa stated that, if the Commission determines that the outline presented in this afternoon's report is acceptable, he would begin working on a more specific timeline for the Commission's next meeting.

In response to a question from Commissioner Gromek, Mr. Espinosa stated he was unsure at this point as to when the round table state agency meeting would be held. Again, staff is continuing to pursue this.

In response to a question from Commissioner Eyden, Mr. Espinosa noted that the majority of air and water regulations pertaining to sand mining/processing issues rest with state agencies. Although agencies such as the Corp of Engineers may get involved in certain multi jurisdictional areas, this involvement will be limited in scope. Again, this is something that can be better defined once the Commission begins its more specific analysis of each issue.

Mr. Boettcher asked if it would be possible to arrange for visits to established mining/processing facilities. Chairman Porter replied that this is something that individual Commissioners may want to do on their own.

In response to a question from Commissioner Buelow, Mr. Espinosa responded that the study process will include a review of present mining standards and regulations. Given this, he hoped to include preliminary discussion of the mining issue during the Commission's next meeting.

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At this point, Chairman Porter opened the meeting to those in attendance who may wish to present comments.

Jim Gurley, stated that he was a representative of the Winona Area Citizens Concerned about Sand Mining (C.A.S.M.), and was somewhat disappointed that he and his group were not aware of this meeting until they have read of it in a local newspaper. He encouraged the Commission to provide more lead time for future meetings.

At this point, Mr. Gurley provided a handout generally outlining a desire by C.A.S.M. to work with the Commission in sand mining/processing issue solutions. The handout also provided a number of "potential" study areas pertaining to the issue including air quality, economic impacts (both positive and negative), interstate bridge impacts, water contamination, water usage, traffic congestion, traffic study, noise, light pollution, aesthetic considerations, regulation of general operations, and the cumulative effects of all sand mining/processing operations within the City of Winona on citizen quality of life.

Marie Kovecsi, also a member of C.A.S.M., encouraged the Commission to be as transparent as possible in its study process. Although previous staff comments implied that agendas, minutes, etc. would be available on the City website, she could find no evidence of those for this afternoon's meeting. She also encouraged the Commission to consider every conceivable alternative in including the public in some meaningful way. She noted that the C.A.S.M. group, as a whole, has a significant amount of knowledge of the issues involved in sand mining and processing and could, if permitted, be a valuable resource tool to the Commission.

Jim Johnson, 802 West Broadway, presented a number of questions pertaining to the site by site analysis and expressed a feeling that the Biesanz Stone Mining Operation has expanded within recent years. Given this, it was his opinion that some sort of a Conditional Use Permit Process should be required of the facility.

Lynette Powell, stated that when the last Comprehensive Plan was being developed, she had been involved in one of its vision groups. She encouraged the Commission to create a process similar to that, in which various issues would be studied by specific subcommittees set up for that purpose. She felt that this approach could result in a real dialogue and resulting in real issue solutions.

Tex Hawkins, 218 West King, stated that, as a retired biologist, he did not see a great deal of emphasis being placed on wildlife/habitat impacts from the sand mining/processing process. In these, he suggested that various natural resource agencies be involved. He further suggested that the study be broadened somewhat to facilitate this discussion, and to better define the pros, cons, opportunities, and threats resulting from sand mining and processing within the City. He explained that from his basic understanding of the industry, it may be conceivable that river sand will be an option to silica sand in mining operations in the near future.

Joe Morris, stated that he looked forward to a more specific timeline for the study process and encouraged all not to limit their thinking to only those issues that are

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presented in the staff report this afternoon. As discussion ensues, he envisioned that broader issues will develop and encouraged the Commission to solicit verbal and written comment. He also felt that outside experts will be valuable in assisting the Commission in its study process and asked how those could be facilitated. Mr. Morris also noted that he had had difficulty in accessing this afternoon's meeting on the City's website and encouraged the Commission to be as transparent as possible in its future discussions.

Mr. Morris alluded to the fact that he was aware of a Canadian firm that was in the process of buying land within the area of Winona for sand mining purposes. He noted that this issue is a land use issue and not an economic development issue.

Commissioner Eyden suggested that a discussion of habitat and wetlands be added to the study process. She also felt that it may be appropriate to include some sort of a definition of quality of life as a primary focal point to the Commission's future discussion of this issue.

In response to a question from Chairman Porter, Mr. Espinosa noted that future issue discussion will include basic scientific input/data from State Agency Representatives. Again, although the process could include other experts, he was aware of no budget that had been created to assist in facilitating that input.

Commissioner Buelow strongly suggested that staff look at what the County had recently adopted in addressing sand mining operations. Mr. Espinosa stated that staff would do so. Additionally, it was conceivable that a County Representative could be asked to attend a future meeting for that purpose.

Commissioner Eyden stated that the plan generally felt a bit stiff at this point, and suggested that the study process be a bit more fluid in addressing other concerns that may surface in the coming months.

Commissioner Porter stated that he felt that an adequate public input process could be designed without compromising the overall planning structure. He again reminded those present that the Commission will be serving as the steering committee in this matter.

Commissioner Olson noted that if experts are brought in to address various issues, they should be well grounded, knowledgeable, and, most importantly, neutral in their presentations.

Other Business

It was noted that the Winona Radio tower on East Garvin Heights Road has been fully removed. Mr. Moeller reminded those present that a condition of the approved Environmental Assessment Worksheet for the new tower located in Riverbend Industrial Park was that the bluff site tower be removed.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned.

A handwritten signature in black ink, appearing to read "Mark Moeller", written over a horizontal line.

Mark Moeller
City Planner