

PLANNING COMMISSION MINUTES

DATE: May 14, 2012

TIME: 4:30 p.m.

PRESENT: Chairperson Porter; Commissioners Boettcher, Gromek, Ballard, Davis, Buelow, Eyden 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 Chairman Porter.

Sand Moratorium Study: Habitat, Wetlands and Quality of Life

Chairperson Porter noted that given decisions made at the Commission's last meeting, this discussion would begin with an open public segment during which time any person may offer comments relative to the sand moratorium issue. He then opened the public comment period by asking that any person who wished to speak present first their name and address.

Jane Cowgill, 317 Walnut Street, stated that given the sand mining discussion, her greatest concern related to air quality. Given the Board of Adjustments recent approval of an application by the CD Corp. to undertake a sand shipping operation at the Commercial Harbor, she explained that that approval had been granted without an adequate Dust Mitigation Plan. In her opinion, the plan included no monitoring or enforcement mechanisms. Given the previous, she strongly encouraged the City to more closely scrutinize sand mining and processing operations in order to ensure that citizens are protected from any health risks.

Jim Gurley, 22505 Betty Jane Drive, Winona, noted that although he did not intend to offend the Commission, he was concerned of the process which has been started relative to the sand mining moratorium issue. Although the Commission had decided to permit limited public involvement at the beginning and end of each of its meetings, he felt that citizen involvement needed to be more substantial. By this, it was suggested that the Commission create a number of round tables where staff, citizens, and elected officials could have serious dialogue and discussion. He noted that in his particular case, he has spent the last six months researching the silica sand industry and felt that he could bring a significant amount of information to the table, if offered. However, this would be difficult to achieve during two minute comment periods. He encouraged the Commission to develop a process that would permit citizen comment to hold a more central role to the identification and solution of silica mine and processing concerns/issues.

There be no further public comments at this point, Chairman Porter called on Carlos Espinosa, Assistant City Planner, to provide a summary of information presented in this afternoon's agenda package.

PLANNING COMMISSION MEETING MINUTES
MAY 14, 2012
PAGE 2

Mr. Espinosa began his summary by reviewing a flow chart related to various activities that would be studied during the moratorium period. As proposed, this chart shows that the Commission would be completed with its final recommendations by January of 2013 at which point the matter would be referred to Council for action. Additionally, as requested by Council, the chart does reflect bi-monthly Council reports which will provide a status of progress being made. He emphasized that the chart does not reflect specific round table discussion sessions that the Commission may wish to initiate or other specific forms of citizen input at this point. He suggested that some of these may be established as the process begins to evolve a little bit further.

Chairman Porter then asked for Commission feedback relative to the flowchart. Commissioner Eyden stated that she would like to see flowchart discussion items be expanded to identify what expectations might be achieved through study. She stated that she felt that it was very important that these categories be as specific as possible in order to facilitate appropriate public input.

Commissioner Boettcher explained that he did not want to see any part of the process become bogged down by a single study area. Should that occur, the study schedule could be seriously compromised. Additionally, the end result of the moratorium process will require give and take, and balance by all.

Chairman Porter stated that he agreed with Commissioner Eyden's comments in that more specificity to timeline categories may help move the process along more quickly.

Mr. Espinosa stated that he was still looking at facilitating a large initial meeting that would include representation by various State/other agencies. Again, it was his understanding that these agencies had recently met to discuss the silica mine issue. In part, the purpose of this meeting would serve to kick off further study of sub issues at outlined in the timeline. During that additional study, he would again invite agency representatives to attend and provide additional information. These individuals would be a significant resource to the study process.

At this point, Mr. Espinosa reviewed habitat, wetland, and quality of life portions of his staff report. Here, he again noted that the expansion of any existing sand mining or processing facility would require a conditional use permit. Should existing or new facilities be proposed, all would be subject to applicable environmental standards that may exist. For example, in the case of the wetland discussion, if a planned new or expanded facility would impact wetlands, the State Wetland Conservation Act would apply. He further noted that during the planning process, there are ways of defining where wetlands may be evident. One of these would be through the use of soil maps to define if a project site was located within hydric soils. Again, those policies and standards presently exist and would be implemented within any project site whether related to sand mining/processing or any other use.

Although special/protected habitat impacts are a little more difficult to quantify, with proper study, these could be identified. As with wetland impacts, he emphasized that habitat impacts and mitigation strategies be considered in any potential development.

PLANNING COMMISSION MEETING MINUTES
MAY 14, 2012
PAGE 3

Finally, although quality of life has not been defined for the purpose of this study, its meaning could come into play where M-2/Residential Zoning relationships exist. Where these exist, the purpose of this study could serve to develop mitigation strategies that minimize or eliminate conflicts. He felt that this is something that could be achieved through the study.

Mr. Espinosa noted that he had also included, in the Commission's agenda package, a map showing where any land extraction activity could occur within the City. He emphasized that the results of this map are based upon three basic factors including:

- 1) Inclusion in the A-G zoning district
- 2) Location outside of a 1,000 foot residential buffer (required by the City mining ordinance)
- 3) Location outside the Bluff Impact Overlay (Bluff Impact Overlay Districts do not permit mining activities)

Outside of these three factors, there are a number of "other" parameters that could serve to render many of the sites shown on the map as unusable for mining purposes. Some of these include sheer size, depth to desired extraction material (silica sand), as well as environmental factors. In short, additional study would be required to certify that any of the sites shown be valid mining sites. He noted that the County has done a significant amount of study in terms of developing mining standards. In further addressing this issue, he hoped to be able to dovetail that information with future City criteria.

In concluding, Mr. Espinosa stated that the approach to the overall study would be to begin with a broad spectrum of ideas, questions and issues, and to focus these to more specific solutions by the end of the study period.

At this point, Chairman Porter asked the Commission if it had additional feedback of the staff report.

Commissioner Eyden stated that it was her understanding that the Biesanz Quarry had been greatly expanded since its annexation into the City and that it is now being used for silica sand extraction. She asked how the quality of life discussion could be applied to that property or to any other sand mining impact that may be identified within the community. She was greatly concerned of potential impacts on tourism within the community.

Both Chairman Porter and Commissioner Davis asked how quality of life could be defined. Mr. Espinosa responded that all in attendance may have a definition for this term; an example of the term may result from the simple relationship of adjoining lands to each other. Commissioner Boettcher stated that in his opinion, the term related to the relationship of all living things to each other.

Chairman Porter suggested that the Commission needed to identify what outcomes it hoped to achieve during the study process. Again, he suggested that staff look at what

PLANNING COMMISSION MEETING MINUTES
MAY 14, 2012
PAGE 4

the county has done in this area and to consider infusing some of these ideas into City policy.

Commissioner Eyden noted serious concerns with potential transportation impacts resulting from the sand mining industry.

Commissioner Davis stated that, as a new member to the Commission, she was having a bit of difficulty in tracking the Commission's progress in getting to this point in time. It was suggested that she meet with staff in order to obtain this information.

Commissioner Boettcher noted that he felt the initial agency meeting would be key to the process.

Chairman Porter agreed and again noted that he would like to see a little more detail to the proposed schedule which had been presented to the Commission this afternoon. Mr. Espinosa responded that staff would provide a more detailed schedule at its next meeting.

Commissioner Gromek stated that, given the complexity of what we are dealing with, it was important that each meeting be well framed, with defined expectations and suggested results.

Commissioner Buelow stated that although public comments are currently restricted to two minute limits, he asked if this could be varied to allow for more professional comments that come from the public. Chairman Porter replied that he felt this could be accomplished. If desired, he suggested that persons contact staff with a request to exceed the two minute limit.

At this point, Chairman Porter reopened the public input segment.

Marie Kovcesi, 133 Whispering Lane, Winona, MN, presented her list of concerns pertaining to the study subject. These included:

- Wetlands, habitat concerns.
- The floodplain location of the sand processing facility located on Old Goodview Road.
- Blasting at the Biesanz Quarry and its relationship to groundwater impacts. Here, she noted that the County does not permit sand extraction below the groundwater layer.
- Property value. Here, she noted that she does information related to the value of property in relation to mine distance from the property.
- Trucking problems. Here, she felt that truck impact analysis should be required of any sand mining or processing facility.
- Traffic and other safety as related to quality of life.
- Impacts on tourism.

PLANNING COMMISSION MEETING MINUTES
MAY 14, 2012
PAGE 5

- Air quality. Here, she noted that the recent approval of the CD Corp Conditional Use Permit at the Commercial Harbor completely ignored any concept of monitoring or enforcing air quality standards.
- The process. With this issue, she noted concerns that citizens may not have adequate input into the process. As such, she encouraged the Commission to expand the process to include a greater level of face to face meetings with citizens.

Jane Cowgill referenced the health risks from silica sand. Although she had no problem with new business ventures, the silica mine industry does introduce health concerns that are beyond the realm of "normal". She further noted that most of the beneficiaries of the end product do not live in town and are not concerned with its impacts.

Joe Morris explained that he would like to see the term "quality of life" defined before the study starts. He further asked what the term "habitat" would mean. In defining the quality of life definition, he suggested that he could find a person who is currently impacted by silica mining to attend a Commission meeting for the purpose of presenting their experience. He asked if citizens would be able to continue to ask questions of experts/agency representatives when they are in town. The response here was that they would.

Mr. Morris asked how he would be able to get professionals in front of the Commission and if funds would be available to assist in this happening. Chairman Porter stated that he was not aware of any available funding for professional assistance. Mr. Morris suggested that this might be reasonable.

Mr. Morris further noted that although the State has minimal water quality standards, City could opt for more restrictive standards. He suggested that this is something that might be a product of the study process. Chairman Porter responded that the Commission would certainly start with State standards and if it felt that they were not adequate it could look at recommending a more restrictive standard. However, he is not aware of any person on the Commission who is a scientist in this area.

Jim Gurley stated that he has spent a significant amount of time in researching the silica sand industry and suggested that there are winners and losers that are currently dividing Winona. Given that local sand operations are being driven by out of town owners, he did not feel a level playing field existed and suggested that the City needs to be very careful in what it does. Mr. Gurley stated that although he is not a professional scientist, he felt he had a fairly significant amount of information that he could offer to the Commission in terms of assistance. As such, he is more than willing to communicate with the Commission in providing advice at any time.

Mr. Gurley noted that when the study process was created by Council, it was his understanding that general citizens would play a dominant part in driving it. He suggested that this is difficult to do without a method of dialogue. As such, he again suggested that the Commission be more proactive in inviting him and other citizens into

the process. In closing, Mr. Gurley reminded the Commission that silica sand is dangerous and does not like to be disturbed.

Other Business

Commissioner Boettcher explained that he had observed that the assisted living complex on Mankato Avenue had constructed a driveway to Mankato Avenue. Given that it was his understanding that no direct access to Mankato would be permitted, he was wondering what this was about. Mr. Espinosa stated that this access would be used for emergency purposes only and was generally a requirement of the Winona Fire Department. The access point would not allow for general access into the development.

It was noted that the Commission's next meeting would be on Tuesday, May 29th being that May 28th is Memorial Day.

Adjournment

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



Mark Moeller
City Planner