PLANNING COMMISSION MINUTES

DATE:	October 22, 2012
TIME:	4:30 p.m.
PRESENT:	Chairperson Porter; Commissioners Boettcher, Gromek, Ballard, Davis, Buelow, Eyden and Olson
ABSENT:	Commissioner Briggs
STAFF PRESENT:	City Planner, Mark Moeller and Assistant City Planner, Carlos Espinosa

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

Approval of Minutes – October 8, 2012
The minutes from the Commission's meeting of October 8, 2012 were reviewed. Following a motion by Commissioner Olson and second by Commissioner Gromek to approve the minutes, it was noted by CASM Representative, Marie Kovesci, that she had not received a copy of the minutes and that they had not been published on the City's website.

In response to the previous concern, Carlos Espinosa, Assistant City Planner, explained that, as is the standard operating procedure, minutes are not technically released until such time that they are approved by the Commission, and signed by the author. Ms. Kovesci replied that since they are normally included with the Commission's agenda package, they are usually published in a draft form. However, for this meeting, minutes had not been included in the agenda package.

Following brief discussion, the vote of the Commission was as follows relative to the motion: ayes Commissioners Boettcher, Gromek, Ballard, Davis, Porter, Buelow, and Olson; nays: none; abstaining: Commissioner Eyden.

Sand Moratorium Study: Draft Final Report
Chairperson Porter introduced this item by calling for a representative of CASM to provide introductory comments. Marie Kovesci presented the CASM report as found on Exhibit A of the permanent minutes. In summary, the following concerns were noted:

- The traffic impact analysis would be triggered when a use exceeds truck traffic at a threshold of more than 200 trips per day. In addressing this issue, CASM had concerns with the 200 truck trip threshold and asked if that threshold would also apply to trucks coming into something like a sand processing facility within the City. Concerns were also expressed of pollution from diesel trucks and of the City Engineer's ability to waive the impact analysis.
- In addressing the sand processing facility located on Old Goodview Road, CASM expressed concern of the term "expansion" in relation to its use and defined nonconformity. Ms. Kovesci noted that citizens have repeatedly asked, and have been promised a legal opinion on, what the term "grandfathered in" means.

- Although job creation has been used to support the sand industry, no research or reference to the number of jobs, whether full or part-time, or how sustainable these jobs are, had been presented.
- In addressing air quality issues, the control of moisture levels in sand piles does not address the ambient dust when trucks have sand on their carriages, underbodies, gates, tires, etc. and also lose sand on streets when loads shift, trucks turn, etc. CASM's position here is that ambient air quality needs to be monitored at all steps of an operation.
- CASM feels that the discretionary EAW requirements should apply to all frac sand businesses and not just mining activities.
- In summary of action items 1-4, CASM had concerns that traffic safety and air quality issues had not been fully addressed. Given this, it was felt that more discussion and thought was needed in developing draft regulations.

Chairperson Porter then called for comments from the Blasting Committee. There being none, he called on representatives from the sand mining industry to provide comments.

Della Schmit, Executive Director of the Winona Area Chamber of Commerce thanked the Commission for all the work it had done and challenges involved in work completed, to date. In summary, she encouraged the Commission to continue moving forward with the issue and to bring it to Council as soon as the Commission feels comfortable in doing so. She noted that those involved in the industry are very much looking forward to bringing the issue to an end.

Chairman Porter then called on any other person who wished to speak to do so at this time.

Jeff Falk, Fountain City, noted that he volunteers and shops within the City of Winona. During the past number of months, he has conducted his own research of sand silica issues and remains concerned that these, as well as traffic particulates, will continue to compromise Winona's air quality in relation to increased sand mining and processing facilities. As noted by Ms. Kovesci, he emphasized that keeping sand wet will not solve all problems, and that measuring air quality will be the key to properly monitoring impacts. He further noted that he had been encouraging Buffalo County Wisconsin to establish a county wide air quality testing program.

Lynette Power, 253 East 8th, referenced negative impacts from the present sand mine located at Shakopee, Minnesota. Given draught conditions over the summer, dust conditions in that area were awful. Additionally, she was under the understanding that that facility does little to no monitoring of site conditions. In short, should this facility serve as a model to future sand mining/processing facilities in Winona County, she will have significant concerns.

Todd Paddock, 717 Main, noted that he too appreciated all of the work that the Commission had accomplished on this issue. However, he did have continued concerns relative to increase traffic and traffic flow. In short, if increases do occur, he felt that negative impacts in terms of air quality and noise will result. He noted that

although he personally lives on Main Street, and understands that trucks need to move through the City, he was concerned that Main, as well as other truck routes, will exceed their designed capacities. At that point, it may be difficult for the City to say "enough is enough".

Joe Bjorlo, 1890 West Fourth, stated that he too was concerned of the impacts of increased truck traffic off City roadways. Not only will this traffic conflict with normal traffic, but roads will wear out more quickly and need to be replaced more frequently. This could translate into a huge public cost. Given limitations on rail service, trucks may play a larger role in the sand processing industry than may be expected. He asked if this is what would be the best for the City. He encouraged the Commission to take a closer look at impacts that may be experienced on the industry.

At this point, Chairman Porter called on staff to provide a summary of today's discussion item.

Mr. Espinosa referenced the Commission agenda package and noted that it included a draft final sand moratorium report. Although the report is eventually meant to go to Council, the Commission was being asked to review it and provide direction to staff. In addition, he was recommending that the Commission pay particular attention to 4 action items, including:

Action Item 1 – Proposed Mining Ordinance Amendments. Although amendments have been drafted based upon Winona County's recently adopted regulations for silica sand mines, two important deficiencies are that air quality monitoring is not required and that traffic impact analysis would only be required once trucks serving the facility exceeded 200 truck trips per day.

Action Item 2 would serve to modify the sand moisture requirement from 3% to 1.5%. This requirement would continue to meet MPCA requirements and would prevent silica dust emissions from stock piles of sand.

Action Item 3 – Based upon comment received from the Commission's last meeting, applicable ordinances would now include a standard requiring a 200' buffer between sand processing equipment/stockpiles and residentially "used" property.

Action Item 4 would modify the definition of a heavy commercial vehicle as one exceeding 33,000+ lbs., while the scope of a Transportation Impact Analyses has been modified to apply only from an operation generating trucks to a truck route. Additionally, the Impact Analysis and Road Use Agreement may apply to any development subject to a CUP or site plan application.

Although not included in the staff report, amendments may include those necessary to ensure that sand mining and processing facilities are consistent with requirements of City bluff and shoreland ordinances.

Following its discussion of the report, staff was recommending that it be referred to a November 26th hearing. He further noted that given present scheduling, a second round table discussion of the completed report would be held on Monday, November 5th.

Commissioner Eyden stated that she was still very concerned of potential air quality issues and lack of monitoring of ambient air conditions. If the City was planning to promote this industry, she felt that we owed it to citizens to monitor the industry. Given this, she was suggesting that the City Council pursue the idea of a baseline study that would generally serve to define present air quality conditions throughout the City.

Commissioner Davis agreed and suggested that the establishment of a valid base line standard would be a good investment for the City. In response to a question from Commissioner Gromek, Mr. Espinosa stated that he was unsure at this point where air quality monitors would need to be set in order to achieve baseline readings. Commissioner Eyden suggested that the Minnesota Department of Health could assist in this study.

Commissioner Porter suggested that such a study may not provide the answers that citizens are looking for. Additionally, if not properly conducted, such a study would be open to criticism.

Commissioner Gromek again noted that any monitoring that is conducted would need to be done over a period of time in order to define valid results. Commissioner Eyden stated that although she understood these concerns, these are details that could more properly be addressed with professionals involved in such studies.

Commissioner Porter stated that one of his primary concerns with the idea was that no public agency has developed a standard to determine what a normal baseline is. Commissioner Davis again suggested that she saw no harm in promoting a baseline study.

Mr. Falk noted that air quality monitoring is not a simple matter, and that valid results are only developed following a number of measurements over a significant amount of time. If needed, he would be willing to assist.

Commissioner Davis suggested monitoring a number of sites throughout the community. She noted that she had visited the Biesanz mine site, and did not find that dust was a particular problem at that site.

Commissioner Porter again noted that his major concern with this idea was that if not properly conducted it may be difficult to get citizen's to buy into it. Given that, we will be back to where we are now.

Commissioner Buelow suggested that it was important to establish a database that could serve to compare current conditions with future air quality conditions of the City.

Commissioner Olson stated that based upon his analysis, it has not been proven that neither the mining nor processing of silica sand would be a health hazard to the general public outside of mining or processing facilities. Given this, he suggested that if there is a need to monitor, data from other places could be used as a start.

Mr. Espinosa noted that the MPCA does have mobile monitoring equipment and that the City could request that a station be located at some point in Winona. Outside of this, it would certainly be possible to implement independent testing.

Chairman Porter noted that MPCA testing may not include small particulates that are the real culprits to health concerns.

Commissioner Davis again stated that the testing of general air quality patterns today would provide a baseline for additional test that could be taken in future time periods. Commissioner Ballard emphasized that outside of silica sand, any baseline testing would need to include a consideration of other particulates. Some of these could possibly evolve from general traffic.

Commissioner Gromek suggested that the Commission move the proposal ahead subject to a request to Council that a baseline air quality standard be established.

In response to a question from Commissioner Eyden, Mr. Espinosa felt that a mobile monitoring unit would be able to measure general air quality patterns without checking further with the MPCA, he was unsure as to what could actually be tested with their equipment.

In response to questions from Commissioners Gromek and Buelow, Mr. Espinosa responded that proposed facilities, as found on page 23 of the staff report would relate only to ensuring that mining activities are carried out in accordance with approvals. Performance bonds relative to reclamation would need to total 110% of the estimated cost of reclamation. This requirement would essentially "role" with mining disturbances from one area to another.

In referencing page 5 relative to the City's Comprehensive Plan, Commissioner Eyden suggested that no additional mining be permitted within the City.

Commissioner Buelow stated that he encouraged conformance with Part 15 of the proposed extraction ordinance relating to the maintenance and cleaning of streets.

Following further discussion, the consensus of those present was that additional time was needed to review the full proposal. Given this comment, discussion will carry to the next regular Commission meeting which will be on November 26th. At that time, should the Commission determine that the proposal is appropriate, it could forward the matter to a formal hearing.

At this point, it was moved by Commissioner Eyden and seconded by Commissioner Davis to continue discussion of the frac sand moratorium final report to November 26th.

When the question was called, all but Commissioner Olson approved the motion. Mr. Olson subsequently voted no.

Mr. Espinosa reminded those present that the Commission's next round table of the final report will be held on November 5th between 4:30-5:30 p.m. All present indicated that they should be able to attend.

Adjournment

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

Mark Moeller
City Planner