

PLANNING COMMISSION MINUTES

DATE: November 26, 2012

TIME: 4:30 p.m.

PRESENT: Chairperson Porter; Commissioners Boettcher, Gromek, Ballard, Davis and Buelow

ABSENT: Commissioner Olson

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 22, 2012

The minutes from the Commission's meeting of October 22, 2012 were reviewed, and upon motion and second a second were unanimously approved as submitted.

Sand Moratorium Study: Draft Final Report

Chairman Porter noted that prior to discussing this item; he would call for public comments from the City Blasting Committee. Given that there were no comments from this Committee, he next asked if a representative of the Frac Sand Industry wished to provide comment this afternoon. There being none, he then called for comments from a representative of CASM. Marie Kovesci noted that although the Commission is expected to complete its recommendations of proposed ordinance amendments this afternoon, she encouraged the Commission to ask if amendments proposed, thus far, do enough to control frac sand industry impacts. Although the City has recently experienced a lull in industry activity, she emphasized that it has not gone away and that the City, through its Planning Commission and City Council, have an opportunity to anticipate what the future of the industry is going to be. She expressed concern that this vision had not been fully defined.

In summarizing the state of the current frac sand industry within the City, she noted that one mine and a number of processing sites exist. Given these facilities, traffic impacts of commercial vehicles flowing to and from them will be significant. Generally, such impacts will include increased emissions, noise, and conflicts with private and commercial travel. Although some of these impacts will be addressed through traffic impact analyses, proposed ordinance language would not require such an analysis until such time that trucks generated from a site totaled greater than 200 vehicle trucks per day. Here, she encouraged the Commission to revisit this standard and to consider adoption of no threshold, regardless of proposed traffic generated.

Ms. Kovesci stated that CASM continues to have concerns with air quality questions and does not feel that this issue had been fully studied. Again, CASM was strongly encouraging the implementation of monitoring systems that would define air quality baselines and define changes to these as the state of the frac sand industry changes within the City. Additionally, although CASM understood that current ordinance proposals would require moisture content measurements of sand that is processed,

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stored, and shipped from the City, this standard would not go far enough in addressing fugitive dust problems from access roads and streets entering and exiting processing and shipping facilities. She encouraged the Commission to reevaluate this issue.

Ms. Kovesci stated that although an effort has been made to tie the sand industry with positive community economic impacts, CASM does not feel that these impacts outweigh potential industry negative impacts. Additionally, positive economic impacts have not been fully documented.

In concluding, Ms. Kovesci noted that she had appreciated the opportunity to work with the Commission throughout this effort but felt that there are a number of unanswered questions that need to be resolved prior to moving forward with the Commission's current proposal.

Chairperson Porter then called for comments from the general public.

Jane Cowgill, 317 Walnut Street, stated that in a recent visit to New York City, she had been asked what Winona Minnesota was like. In addition to the City's physical setting, her response included certain arts events like the Shakespeare and Beethoven Festivals. In consideration of these, the infusion of a significant sand industry presents could have negative impacts that compromise everything positive that Winona is known for. She encouraged the Commission to consider present quality of life issues, in its development and implementation of regulatory standards.

Chairman Porter then called on Carlos Espinosa, Assistant City Planner, to provide a summary of this afternoon's sand moratorium discussion. Mr. Espinosa stated that the agenda item is generally the same as that presented during the Commission's meeting of October 22nd with slight modifications referencing City bluff ordinance regulations. Given these, he was requesting that the Commission initiate hearing processes for 4 action items that are summarized in the agenda package. These items include:

1. Proposed Mining Ordinance Amendments. Mr. Espinosa explained that many of these amendments mirror those regulations that have been adopted by Winona County for its silica sand mines. As opposed to the County model, air quality monitoring would be replaced by moisture testing. Additionally, the ordinance would place no limits on the number of trucks and traffic impact analyses are only required for operations generating 200 or more truck trips per day. He noted that this standard was in alignment with Commission decisions regarding traffic impact analyses.
2. Action Item 2 would serve to modify performance standard provisions of City Code by promoting a minimal moisture level standard of 1.5% for sand that is being handled or stored during processing/shipping. Mr. Espinosa emphasized that a substitute for moisture testing would be air quality monitoring as completed in accordance with MPCA and other State regulatory standards. He further noted that the 1.5% standard was in line with MPCA recommendations.

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3. Under Action Item 3, Mr. Espinosa noted that all processing equipment and stockpiles would be required to be located a minimum of 200' from a residential property. Here, he emphasized that the 200' buffer would apply between the sand processing facility and the nearest residential use.
4. Finally, Action Item 4 would promote regulations pertaining to Transportation Impact Analysis and Road Use Agreements. In part, this new language would provide a definition for heavy commercial vehicles, defined as trucks with gross vehicle weight between 26,000 and 33,000 lbs. Amendments would also define the scope of a Transportation Impact Analysis as being a street located between the truck generating operation and the nearest truck route. Finally, a Transportation Impact Analysis and Road Use Agreement may apply to any development subject to a Conditional Use Permit or site plan application.

At this point, general discussion ensued and Mr. Espinosa suggested that the Commission act on each action item independently.

Following brief discussion, it moved by Commissioner Boettcher and seconded by Commissioner Gromek to recommend that the Commission establish a public hearing to consider proposed ordinance amendments to the City's mining ordinance, as reflected in the proposed Action Item 1. When the question was called, the vote of the Commission was as follows: ayes: Commissioners Boettcher, Gromek, Ballard, Davis, Porter; nays: Commissioner Buelow; abstaining: none.

Chairman Porter declared the motion adopted. At this point, he called for a motion on action item #2.

It was then moved by Commissioner Boettcher and seconded by Commissioner Gromek to recommend that the Planning Commission initiate the hearing process pertaining to action item #2, relating to the proposed moisture testing ordinance amendment. During discussion, Commissioner Buelow stated that he has remaining concerns that the sample testing procedures proposed were not frequent enough. Given procedures of the staff report, testing would be conducted once weekly when operating. If three consecutively weekly tests at a single location show moisture contents greater than or equal to 1%, weekly testing is no longer required until the source of sand changes. The City may still conduct random test of moisture content. Again, Commissioner Buelow stated that his primary concern here related to the test timing factor.

When the question was called, the vote of the Commission was unanimous to approve the motion.

Chairman Porter then called for a motion on action item #3 regarding the imposition of a 200' buffer between sand processing facilities and a residential land use. It was moved by Commissioner Boettcher and seconded by Commissioner Gromek to recommend that the Commission initiate the hearing process needed to consider action item #3, as

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reflected in the staff report. When the question was called, the vote of the Commission was unanimous to approve the motion.

At this point, Chairman Porter called on the Commission to provide a motion pertaining to action item #4, pertaining to the establishment of a Transportation Impact Analysis and Road Use Agreement.

It was then moved by Commissioner Boettcher and seconded by Commissioner Gromek to recommend that the Planning Commission initiate the hearing process needed to consider proposed amendments to the Zoning Ordinance requiring Transportation Impact Analyses and Road Use Agreements. Upon discussion of the motion, Commissioner Buelow stated that he felt the scope of Transportation Impact Analyses and Road Use Agreements should be applied to all truck routes between a truck generating facility and City limits. As currently presented, the scope of such studies would apply only between the truck generator and the nearest truck route. Here, Commissioner Buelow suggested that the City adopt something similar to what the County had adopted relative to traffic.

In response to a question from Commissioner Davis, Mr. Espinosa stated that truck routes will generally not change as a result of the updated bridge project. However, given plans that staff has reviewed; it was obvious that every intent is being made to promote a better transition at the Winona Fourth Street intersection than presently exists.

Commissioner Gromek provided his rationale for initially proposing the 200 truck trip limit.

When the question was called, the vote of the Commission was as follows: ayes: Commissioner Boettcher, Gromek, Ballard, Davis, Porter; naves: Commissioner Buelow; abstaining: none.

Chairman Porter then called for other business. It was noted that the Commission's next meeting would be held on December 10th at which time hearings pertaining to the 4 action items that had been reviewed this afternoon would be formally considered.

Adjournment

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



Mark Moeller
City Planner