



CITY HALL

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April 3, 2014

Planning Commissioners
Winona, Minnesota 55987

Dear Commissioner:

The next meeting of the Planning Commission will be held on **Monday, April 7, 2014, at 4:30 p.m. in the Wenonah Room** of the Winona City Hall.

1. Call to Order
2. Minutes – March 10, 2014
3. Public Hearing – Rezone Request R-1 to R-1.5
4. CEQC Meeting
5. Commission Bylaws
6. Other Business
7. Adjournment

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Moeller".

Mark Moeller
City Planner

PLANNING COMMISSION MINUTES

DATE: March 10, 2014

TIME: 4:30 p.m.

PRESENT: Chairperson Porter, Commissioners Boettcher, M. Olson, Davis, Buelow, Hahn, and L. Olson

ABSENT: Commissioner Ballard

STAFF PRESENT: City Planner, Mark Moeller

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

Approval of Minutes – February 24, 2014

The minutes from the Commission's meeting of February 24, 2014 were reviewed and upon motion by Commissioner Boettcher and second by Commissioner L. Olson were unanimously approved as submitted.

Public Hearing – Final Plat – Cobblestone Creek First Revision

Chairman Porter introduced this item and concluded by calling on the applicant to provide a summary of the requested action.

Jason Phillips, representing Phillips Development Inc., noted that the purpose and intent of this submittal relates to his desire to move the present north south Natural State Area boundary line through what is now lot 1, block 6, Cobblestone Creek Subdivision, 11.6 feet in order to promote a larger building envelope on the property. Mr. Phillips emphasized that although the relocated line would result in the loss of Natural State Area land to the lot, he was also proposing to make this up by designating approximately 1200 square feet of present non Natural State Area land to a Natural State Area. Natural State Area to be added is located at the northerly 22 feet of the lot. Given this change, the expanded building envelope would be able to facilitate a reasonably sized structure along with needed site drainage improvements.

Chairman Porter then called on Mark Moeller, City Planner, to provide staff comments of the application. Mr. Moeller noted that since the proposal includes the concept of moving a present Natural State Area line, submittal of a revised plat for the lot is required. He explained that the lot was initially created in May of 2008 as part of the Cobblestone Creek Subdivision. Given that the average slope of the lot was 16.2%, the lots resulting Natural State Area requirement was 35%. This calculation is reflected in that portion of the lot which is currently designated as a Natural State Area. He further noted that, as presented by Mr. Phillips, the proposed modification would not result in

the loss of Natural State Area to the lot. Following its review, staff was recommending approval of the request for the following reasons:

1. The revision will not result in a net loss of Natural State Area to the lot. As such, the intent and purpose of initial (2008) NSA requirements and approvals will continue to be met.
2. The revision will not significantly compromise site slopes and other natural lot features, nor that of adjoining lots.
3. The revision will facilitate reasonable development of the lot, thereby relating to a positive increase in tax base.

At this point, Chairman Porter opened the public hearing and called for any person who wished to speak to this issue to do so. There being no one present to speak for or against the proposal, the public hearing was closed.

Following brief discussion, it was moved by Commissioner Laverne Olson and seconded by Commissioner Boettcher to approve the Cobblestone Creek First Revision Final Plat.

Upon discussion of the motion, Commissioner Laverne Olson stated that he had taken the opportunity to drive out to the site to look at the lot. Given that review, he saw no problem in making the change.

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

Mr. Moeller noted that the next step in the process would be referral of the Commission's recommendation to Council for final action. It was anticipated that this would be completed on March 17th.

Initiate Zoning of Annexed Properties

Chairman Porter called on Mr. Moeller to provide a summary of this item. Mr. Moeller stated that, over the course of the past number of months, an additional three residential properties have been annexed under terms of the City of Winona/Wilson Township Orderly Annexation Agreement. Although these properties are now located within the City, they have yet to be zoned. With this, staff was, pursuant to City Code Section 43.31 (b), requesting that the Commission initiate the zoning process of these properties through the adoption of a simple motion this afternoon. He noted that properties involved in this request are 1411 Wildlife Drive, 1659 Valley View Drive, and 23125 County Road 17. Should the Commission choose to initiate the zoning process; staff would provide informal notice of the City's intent to consider zoning to each property owner. This notice will include a proposed zoning classification and will allow a reasonable amount of time for feedback from property owners. Ultimately, this will be followed by formal notices and a scheduled Commission hearing. He anticipated that such a hearing would be held in late April.

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Following review of the request, it was moved by Commissioner Boettcher and seconded by Commissioner Hahn to direct staff to move forward with the zoning process of 1411 Wildlife Drive, 1659 Valley View Drive, and 23125 County Road 17. When the question was called, the vote of the Commission was unanimous to approve the motion.

Other Business

Chairman Porter introduced Ken Fritz as a new Commissioner. Mr. Fritz noted that he was a retired City Administrator from the Village of Schaumburg Illinois and, has been involved in various aspects of local government for approximately 32 years. His purpose in volunteering to become a member to the Commission was to use that experience in contributing to the City. Mr. Fritz was welcomed by all.

Chairman Porter explained that Commission Bylaws had been adopted during the Commission's meeting of February 24th. He asked if a copy of the adopted bylaws could be included in the Commission's next agenda package. Mr. Moeller responded that this would be done. He also noted that they needed to be signed by the Chair.

Commissioner Mandi Olson noted that the Commission had discussed Comprehensive Plan accomplishments during its last meeting. From that discussion, a significant goal which has not yet been completed relates to a Comprehensive Update of City Zoning and Subdivision Ordinances. Although City budget constraints have prevented this project from being implemented, she suggested that it may be helpful if the Commission was to support the issue through the adoption of a motion encouraging the Council to consider these updates during its next budget deliberations. Mr. Moeller noted that these budget discussions would begin in the second half of the year. Given this, although the consensus of those present was that the idea was good, it might be advisable to wait in presenting anything to Council until budget considerations start. Mr. Moeller stated that staff would bring this issue back to the Commission once budget considerations start.

Chairman Porter noted that he had seen, through various media, a concept that will construct traffic control signs at a number of intersections throughout the City. Given that the Commission has attempted to address certain traffic issues during the past couple of years, he asked if it could be updated on this latest proposal. Mr. Moeller responded that staff had been directed by Council to look at the issue. Based on that, a concept was presented to Council during a pre-Council meeting on March 3rd. Although no consensus was reached at that point, it is conceivable that it may resurface during Capital Improvement Plan discussion. He noted that staff would keep the Commission advised of additional activities of this proposal as they occur.

Commissioner Boettcher stated that he had recently encountered a number of situations where pedestrians at crosswalks, particularly in the Winona State University area, have darted out in front of him without looking both ways. In some of these situations, pedestrians had been somewhat distracted by cell phone or earphone use. Given this,

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he suggested that some sort of program be developed that would serve to indoctrinate pedestrians on proper protocols at pedestrian intersections.

Commissioner LaVerne Olson agreed and emphasized that pedestrians need to be aware of what is going on around them. As a school bus driver, he has experienced similar situations. He emphasized that pedestrians should not assume that vehicles will stop as soon as they enter an intersection.

Along with this, Commissioner Davis stated that she has observed bicycles on sidewalks throughout the downtown area. She asked if this is permitted. In response, Mr. Moeller noted that he did not believe bicycles or skateboards were permitted within the Central Business District. Commissioner Davis suggested that greater enforcement of current regulations might be warranted in that area.

Commissioner Mandi Olson asked how the Commission could serve to educate the public on these issues given the number of regulations that exist, it was apparent that it could involve a fairly significant effort.

Adjournment

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

Mark Moeller
City Planner

PLANNING COMMISSION

AGENDA ITEM: 3. Public Hearing – Rezone Request R-1 to R-1.5

PREPARED BY: Carlos Espinosa

DATE: April 7, 2014

BASE DATA

Petitioner: Rivers Development

Property Owner: Rivers Development

Location: Valley Oaks Seventh Subdivision

Area (Approx.): 21.57 Acres

Existing Zoning: R-1 (See Attachment B)

Requested Zoning: R-1.5 (See Attachment B)

Existing Uses: Undeveloped

Surrounding Land Use/Zoning: **North:** Single-family residences
South: Undeveloped bluffland and Township areas
East: Undeveloped bluffland and Township areas
West: Undeveloped bluffland and Township areas

Zoning History: See subdivision and zoning history below.

Environmental Concerns: Development of this area was previously analyzed in an Environmental Analysis Worksheet (EAW) and approved in a preliminary and final plat (see subdivision history).

TRANSPORTATION

Streets/Classifications: Local

Site Access: Valley Oaks Drive and the intersection of this street with East Burns Valley Road.

SUBDIVISION HISTORY

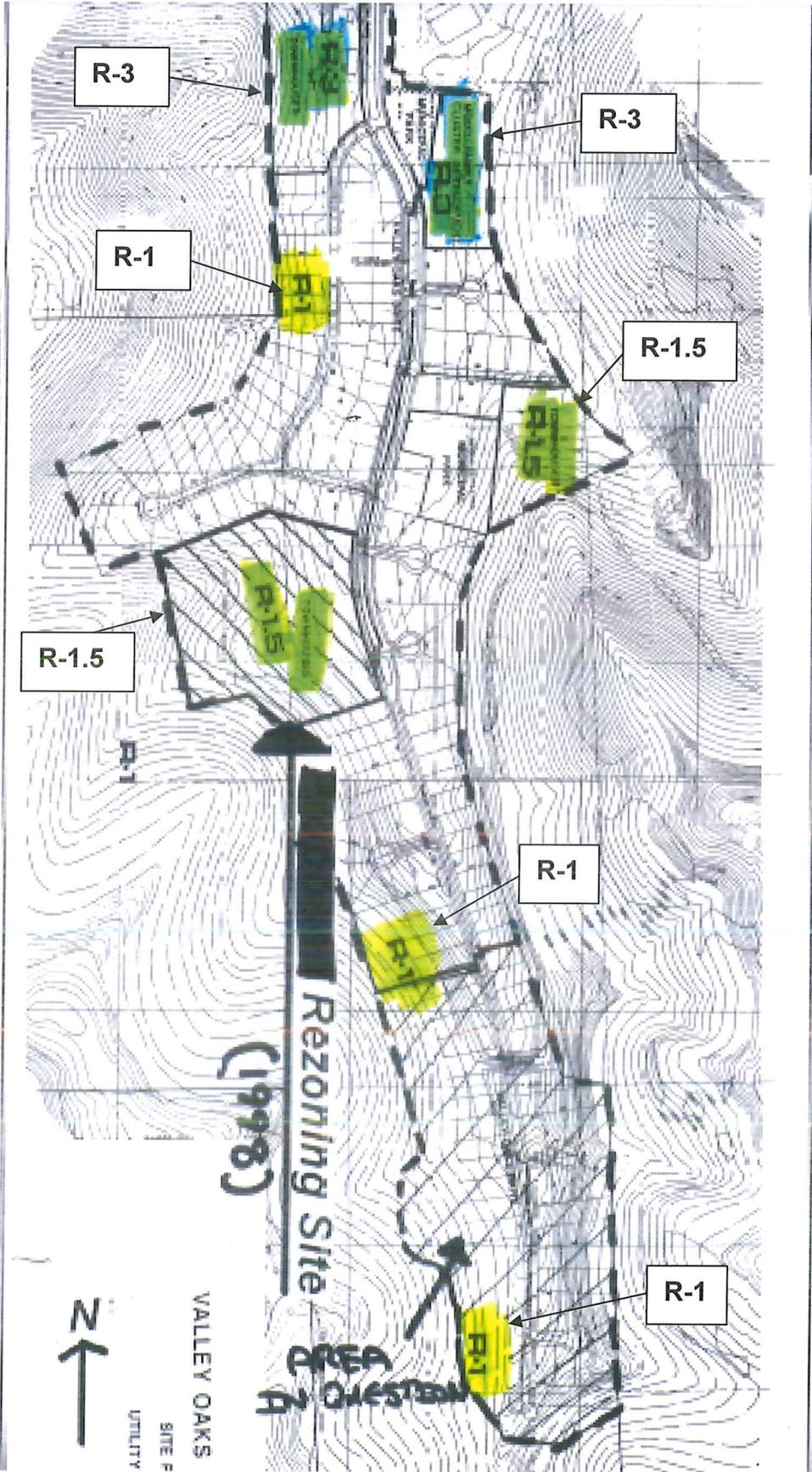
Prior to approval of the subdivision's preliminary plat in 1986, the project was required to complete an Environmental Assessment Worksheet (EAW). The EAW projected development of approximately 350 housing units – with a mix of single family detached and attached dwellings and apartments.

The preliminary plat for the overall Valley Oaks Subdivision was approved in July of 1986. After approval, final plats were filed as development occurred. This process resulted in the approval of six final plats between the years of 1986 and 1999 for a total of 195 housing units. A seventh final plat for 39 (single-family) housing units was approved in 2003, but the plat was not recorded and the lots have remained undeveloped. The current re-zoning proposal is for the area of this seventh subdivision (Attachment A). The developer is proposing a townhome-style residential use for the rezoning area.

The rezoning area is 21.57 acres. Subtracting 1/3 of the acreage for right-of-way and outlot area leaves approximately 14 acres available for development. Under existing R-1 zoning, this land area would facilitate the development of up to 78 single-family housing units (at 8,000 sq. ft. per unit). Under R-1.5 zoning, the same area could facilitate up to 113 townhome units (at 5,500 square feet per unit). Thus, the proposed rezoning has the potential to increase the maximum number of housing units by 35.

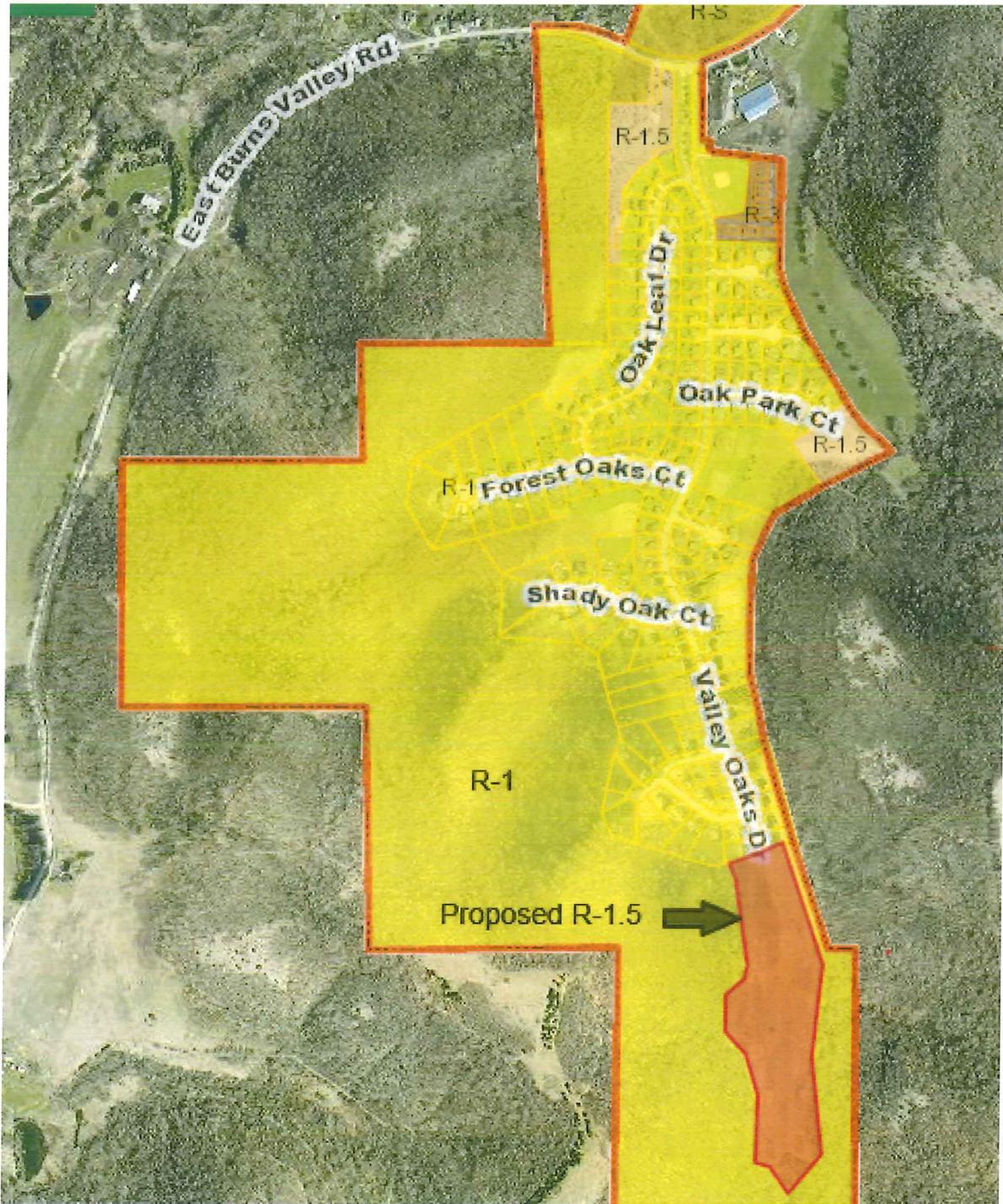
ZONING HISTORY

The original zoning master plan for the Valley Oaks Subdivision specified a mix of R-1, R-1.5, and R-3 zoning. In general, development followed this zoning plan, but one significant change was a 13.6 acre area in the middle of the subdivision originally zoned R-1.5 and planned for townhomes. However, because of development patterns in the valley between 1986 and 1997, this area was rezoned to R-1 in early 1998. A map of the original zoning for the subdivision is on the following page.



SITE/AREA CHARACTERISTICS

A map of the existing Valley Oaks Subdivision zoning and the proposed R-1.5 zoning area is below. As shown, the larger subdivision contains pockets of R-1.5 and R-3 zoning among the predominant R-1 zoning.



ANALYSIS

1. Was there an error or oversight in approval of original zoning of the site?

No, original zoning was completed in accordance with the preliminary plat for the subdivision.

2. Have there been changes in area development patterns, since original zoning, to warrant rezoning?

No, land uses surrounding the parcels in question have not changed significantly since the original subdivision of the land in 1986. However, as mentioned previously, a 13.6 acre area in the valley previously zoned for townhomes was never built.

3. Would potential uses of requested R-1.5 zoning impose “undue hardship” (relating to noise, odors, etc.) on neighboring properties?

No, while rezoning to R-1.5 will result in increased traffic along Valley Oaks Drive, the amount of the increase will likely not constitute an undue (excessive) impact on neighboring properties when compared to what could be developed under existing zoning. Although there is the potential for an additional 35 housing units, townhome unit sizes are typically smaller than single-family homes in the subdivision, resulting in a lower number of occupants and a lower potential traffic count per unit.

4. Would the public interest be better served if rezoning was considered within another area?

Public interest may be better served if the rezoning was considered closer to the access of the subdivision, but this area is already occupied by single family homes or is already zoned R-1.5. Also, the environmental analysis and the preliminary plat for the subdivision specified a mix of residential uses (single-family, townhomes, and apartments), and a 13.6 acre area in the valley previously zoned for townhomes was never built.

5. Could the rezoning be construed as being spot zoning?

Spot zoning occurs if one of the following tests are met:

A. The rezoning action results in benefits which are only enjoyed by the petitioner.

Rezoning the area in question will have the benefit of increasing the housing diversity in the subdivision. Increased housing options will increase access to those wanting to live in the area and those who already

live in the subdivision but wish to downsize from a single-family home. This residential land use pattern is consistent with the environmental analysis and original plans for the subdivision. Thus, benefits of the rezoning are not only enjoyed by the petitioner.

- B. The rezoning is considered to be arbitrary, capricious, or unreasonable. Given original plans to provide a mix of housing options in the valley, the rezoning is not arbitrary, capricious, or unreasonable.
- C. Rezoning is not consistent with goals and objectives of the Comprehensive Plan. The rezoning request is consistent with the goals and objectives of the Comprehensive Plan. The future land use designation for the land in question is:

LD - Low Density	
Will be located in the City's Urban Expansion area as well as many existing hilltop and valley locations in the southern part of the City where steep slopes and other constraints limit densities.	May require conservation development in areas with steep slopes and other sensitive natural resources. Densities will be determined based on <u>buildable</u> land, not parcel size.

This designation is part of the Comprehensive Plan's future residential land use scale that ranges from limited residential to urban residential:

- 1) **Limited Residential** – Housing on large lots, generally not part of a subdivision
- 2) **Low Density** – Housing in hilltop and valley locations where steep slopes and other constraints limit density
- 3) **Traditional Neighborhood** – Characterized by grid or connected street pattern
- 4) **Mixed-Residential** – Mix of residential from single-family to townhouses, to cottages
- 5) **Urban Residential** – Multi-family residential

The R-1.5 is a hybrid zoning district that could fit into the Low Density, Traditional Neighborhood, or Mixed-Residential categories. Although townhome construction may be at the upper limit for the "Low Density" category, the required lot size for a two-family structure is 11,000 square feet – larger than the R-1 zoning district (9,000 sq. ft.), the R-2 zoning district (8,000 sq. ft.), or the R-3 zoning district (7,000 sq. ft.). As a result,

townhouse development of the area in question will be something similar to the townhomes in the Waterford or Treetops subdivisions which are also designated as Low Density and zoned R-1.5.

GENERAL PUBLIC CORRESPONDENCE

An open house to present the townhome development concept for the area in question was held on March 15th. A summary will be provided by the developer at the meeting.

SUMMARY

In summary, the analysis has concluded that:

1. There was no error or oversight in the original R-1 zoning or the rezoning of the parcels in question.
2. Adjacent land uses have not changed significantly since the original zoning.
3. Potential uses of the R-1.5 zoning would not impose “undue hardship” on surrounding properties.
4. In addition to the petitioner, the proposed rezoning benefits the subdivision’s housing diversity in conformance with original plans for the area.
5. Because the Comprehensive Plan generally supports the request, the proposed rezoning should not be construed as spot zoning.

In consideration of this matter, the following alternatives are available to the Commission:

1. Recommend approval of the request, as submitted.
2. Recommend denial of the request. If denial is recommended, specific reasons should be given. These reasons should pertain to the potential uses of the proposed zone.
3. Recommend modification of the request.
4. Table the item to allow staff time to answer additional questions.

ATTACHMENTS

- A) Map of proposed rezoning area (Valley Oaks Seventh Subdivision)
- B) R-1 and R-1.5 Zoning



VALLEY OAKS SEVENTH SUBDIVISION

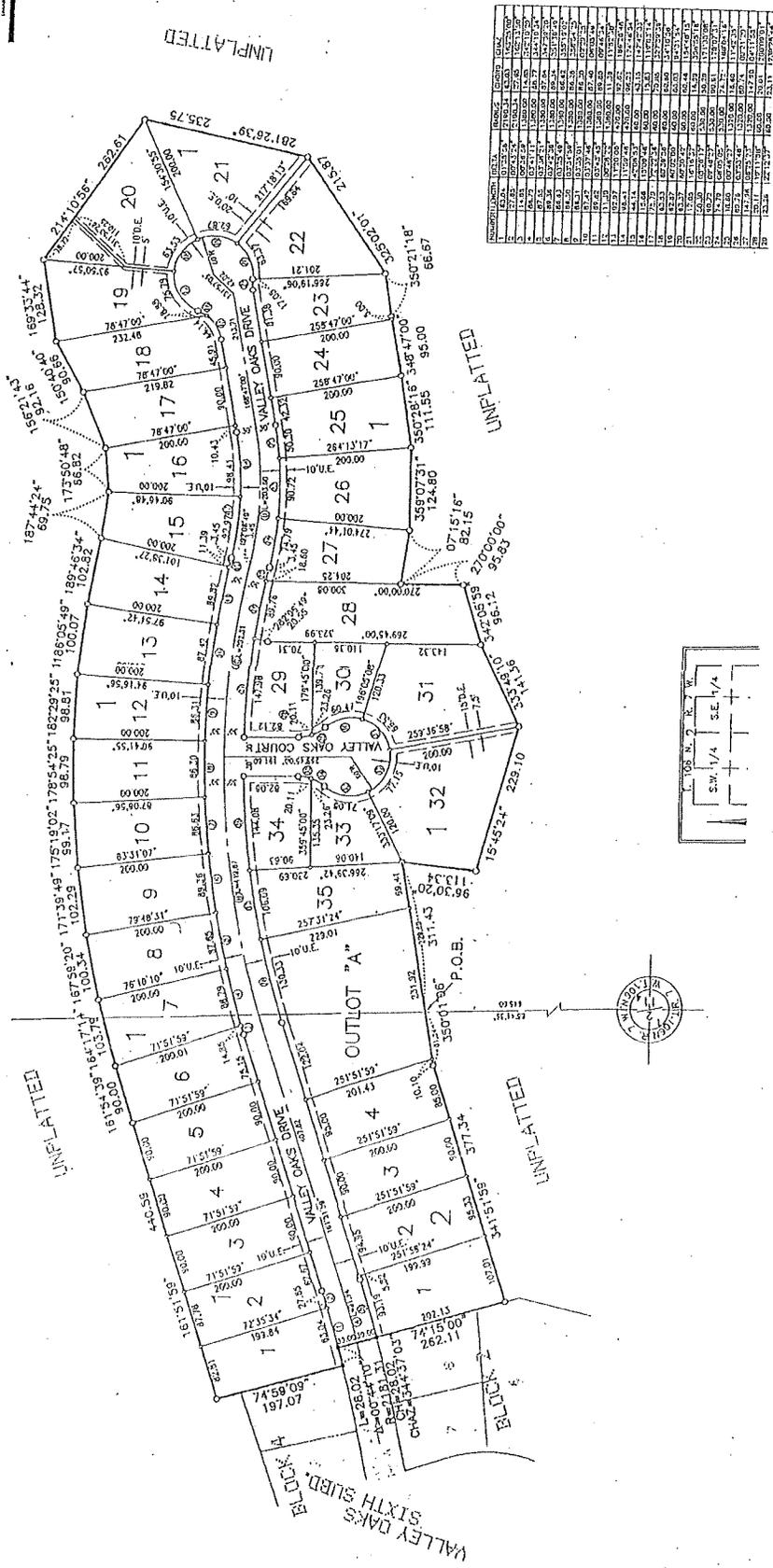
LEGEND

- Set 1/2" Rebars
- Set 3/4" Iron Piles
- Found Monuments (Pipe, Rod, Etc.)

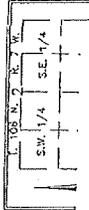
All monuments get there 9 per side
Exp. stamped L.L. 4/88/7.



BEARINGS
Bearings are azimuth measured to the right from an assumed north.



LOT	AREA	PERCENT	AREA	PERCENT
1	100.00	100.00	100.00	100.00
2	100.00	100.00	100.00	100.00
3	100.00	100.00	100.00	100.00
4	100.00	100.00	100.00	100.00
5	100.00	100.00	100.00	100.00
6	100.00	100.00	100.00	100.00
7	100.00	100.00	100.00	100.00
8	100.00	100.00	100.00	100.00
9	100.00	100.00	100.00	100.00
10	100.00	100.00	100.00	100.00
11	100.00	100.00	100.00	100.00
12	100.00	100.00	100.00	100.00
13	100.00	100.00	100.00	100.00
14	100.00	100.00	100.00	100.00
15	100.00	100.00	100.00	100.00
16	100.00	100.00	100.00	100.00
17	100.00	100.00	100.00	100.00
18	100.00	100.00	100.00	100.00
19	100.00	100.00	100.00	100.00
20	100.00	100.00	100.00	100.00
21	100.00	100.00	100.00	100.00
22	100.00	100.00	100.00	100.00
23	100.00	100.00	100.00	100.00
24	100.00	100.00	100.00	100.00
25	100.00	100.00	100.00	100.00
26	100.00	100.00	100.00	100.00
27	100.00	100.00	100.00	100.00
28	100.00	100.00	100.00	100.00
29	100.00	100.00	100.00	100.00
30	100.00	100.00	100.00	100.00
31	100.00	100.00	100.00	100.00
32	100.00	100.00	100.00	100.00
33	100.00	100.00	100.00	100.00
34	100.00	100.00	100.00	100.00
35	100.00	100.00	100.00	100.00



43.56 R-1 ONE-FAMILY RESIDENCE DISTRICT.

- (a) Permitted Uses. The following uses shall be permitted in the R-1 district:
 - (1) Generally. All principal uses permitted and as regulated in the R-S district, except as hereinafter specified.
 - (2) Residential. One-family dwellings.
 - (3) Institutional and cultural. Municipal, county, state and federal administrative buildings, but not including warehouses, storage yards and similar facilities. (08-17-59)
- (b) Conditional Uses. The following uses shall be permitted in the R-1 district only if specifically authorized by the board in accordance with the provisions of this chapter and Section 22.21 of this code.
 - (1) General. Any conditional permitted use as regulated in the R-S district, except as hereinafter specified.
 - (2) Residential. Two-family dwellings located on a lot adjoining or within 100 feet of a less restricted district or on a lot abutting and with access to a primary or secondary thoroughfare, as defined in this chapter.
 - (3) Hospitals. Hospitals for human care, sanitariums, religious and charitable institutions, but not including those for the care of epileptics, drug addicts, the feeble-minded, insane or for contagious diseases; provided, that any lot or tract of land in such use shall be not less than 40,000 square feet in area and that any buildings in which patients are housed shall be at least 50 feet distant from any lot line. (08-17-59)
 - (4) Bed and Breakfast and Tourist Homes. Bed and Breakfast and Tourist Homes offering no more than three guest rooms; provided, that the facility conforms with the provisions of Section 43.54.1.
- (c) Accessory Uses. Accessory uses or structures permitted and as regulated in the R-S district and any accessory use or structure customarily incident or accessory to a principal or conditional permitted use in the R-1 district, shall be permitted in the R-1 district.
- (d) Height Regulations. Height of buildings and structures in the R-1 district shall be the same as in R-S district. (08-17-59)
- (e) Lot Area, Frontage and Yard Requirement.

Side Yard

	<u>Lot Area sq. ft.</u>	<u>Lot Front-Age</u>	<u>Front Yard</u>	<u>Least Width</u>	<u>Sum Least Widths</u>	<u>Rear Yard</u>
One-Family Dwellings:						
1-1/2 stories	8,000	65 ft	25 ft	8 ft	20 ft	40 ft
2 & 2-1/2 stories	8,000	65 ft	25 ft	10 ft	25 ft	40 ft

Two Family Dwellings:

1-1/2 stories	9,000	70 ft	25 ft	8 ft	20 ft	40 ft
2 & 2-1/2 stories	9,000	70 ft	25 ft	12 ft	28 ft	40 ft

Other Permitted Uses:

1-1/2 stories	16,000	100 ft	25 ft	12 ft	24 ft	45 ft
2 & 2-1/2 stories	16,000	100 ft	25 ft	14 ft	30 ft	45 ft

Except: No building, structure or improvement shall be permitted which would intersect a plan extended upward at a 3-1 slope from the point where the horizontal plane of 1180 feet above mean sea level becomes the ridge line of the conservancy district. (08-17-59)

43.56.1 R-1.5 ONE TO FOUR FAMILY, MEDIUM DENSITY RESIDENTIAL.

(a) The purpose of the R-1.5 district is to provide medium density/mixed residential use area with density and lot area restrictions which are similar to the R-1 district.

- (1) Permitted Use. The following uses shall be permitted in the R-1.5 district:
 - (i) Generally. All principal uses permitted and as regulated in the R-1 district.
 - (ii) Residential. One, two, three and four family dwellings.
- (2) Conditional Uses. The following uses shall be permitted in the R-1.5 District only if specifically authorized by the Board of Adjustment in accordance with the provisions of this chapter and Section 22.21 of this code.
 - (i) Residential Retreat Centers provided that all such uses shall be subject to Section 43.54.5 of this chapter.
- (3) Accessory Uses. Accessory uses or structures permitted and as regulated in the R-1 district, and any accessory use or structure customarily incidental or accessory to a principal or a conditional permitted use in the R-2 district.
- (4) Height Regulations. Height regulations in the R-1.5 district shall be the same as the R-1 district.
- (5) Lot Area, Frontage, and Yard Requirements

	Lot Area Sq. Ft./ Family	Lot Frontage/ Family	Front Yard	Side Yard		
				Sum of Least Width	Lease Widths	Rear Yard
1-Family	7,000	65	25	8	20	40
2-4 Family	5,500	30	25	10	25	40

PLANNING COMMISSION

AGENDA ITEM: 4. CEQC Meeting

PREPARED BY: Carlos Espinosa

DATE: April 7, 2014

Summary

Following a request by the Winona Area Citizens Concerned about Silica Mining (CASM) group, the Citizens Environmental Quality Committee (CEQC) met on February 25, 2014. Commissioner Davis attended this meeting and requested this item be placed on the agenda for informational purposes. Notes from the February meeting are attached. At the end of the meeting, the CEQC decided to set another meeting date for April 8th to discuss actions taken by the state's Environmental Quality Board.

On March 19th, the Environmental Quality Board approved a final draft of the document entitled "Tools to Assist Local Government in Planning for and Regulating Silica Sand Projects." The document recommends air quality monitoring at silica sand facilities as follows:

What to monitor:

- *Every silica sand project involving a mine of any size should conduct monitoring for Total Suspended Particulate, PM4-silica, and meteorological data.*
- *Every silica sand project involving processing should monitor for PM10, PM4-silica, and meteorological data; the term 'processing' means washing, cleaning, screening, crushing, filtering, sorting, stockpiling, and storing silica sand.*
- *Every silica sand project involving over-the-road transportation should monitor for PM2.5, PM4-silica, and meteorological data at each site where silica sand is either loaded or unloaded from a transportation carrier (e.g. truck, rail, barge).*

When to monitor:

- *All silica sand projects should conduct ambient monitoring prior to startup of the project. The pre-construction monitoring period should continue until at least one year of valid data is collected.*

- *All silica sand projects should conduct ambient monitoring after startup of the project. The post-construction monitoring period should continue until at least three (3) years of valid data are collected.*

The CEQC will discuss these recommendations at their meeting on April 8th.

Attachment:

- CEQC Meeting Notes: 2/25/14

ENVIRONMENTAL QUALITY COMMITTEE MEETING NOTES

DATE: February 25, 2014

TIME: 4:00 p.m.

PRESENT: Hoffman, Meyer and Dr. Nosek

ABSENT: Mark Moeller, City Planner; Carlos Espinosa, Assistant City Planner

The meeting began at 4:00 p.m. with an introduction from staff stating that member from the Winona Area Citizens Concerned about Silica Mining (CASM) group had requested this meeting with the CEQC. Mr. Espinosa then asked if everyone in the room would introduce themselves. Individuals from CASM included Dale Shauer, Marie Kovesci, Craig Thompson, Mike Kennedy, Steve Schild, and Wendy Larson. Also present was Tesla Rodriquez from the Winona Daily News, Wendy Davis from the Planning Commission, and Jeff Faulk.

Next, Committee member Hoffman asked the following questions:

1) What was the sequence of events that lead to the air monitoring on top of the YMCA?

Mr. Espinosa responded that after the CEQC's air monitoring recommendations were sent to the Planning Commission, the Commission requested that a staff person from the MPCA attend a meeting to help answer questions. City staff then sent a list questions that might be asked at a meeting to the MPCA, and the agency responded with the letter that included the proposal for air monitoring.

2) Which silica sand facilities in Winona are currently active?

Mr. Espinosa explained that activity has been low due to the season, but the Winona Port operation has recently been active as well as 370 West Second Street. Mr. Espinosa stated that the Gould street operation was also active late last fall.

3) Is there a retroactivity clause in the silica sand CUPs that have been issued?

Mr. Espinosa responded that there is language in the CUPs which would require operators to retroactively comply with any new air quality monitoring regulations.

4) When is the MPCA meeting to finalize air quality regulations?

Mr. Espinosa stated that the EQB is meeting on March 19th to take the next step in finalizing their "Tools to Assist Local Governments in Planning for and Regulating Silica Sand Projects" document.

Next, CASM members thanked the CEQC for agreeing to meet and stated that their main questions have to do with process and how the committee feels about the communication between themselves and the Planning Commission.

CASM member Mike Kennedy asked if the CEQC members had seen the letter from the MPCA. The CEQC members said that hadn't. Mr. Espinosa stated he could forward the letter to the committee members.

Mr. Kennedy stated that when it comes to fence line monitoring all parties are still learning a lot.

Ms. Kovesci stated that Dr. Crispin Pierce at the University of Wisconsin Eau-Claire has stated that fence line monitors at silica sand operations are likely to have higher particulate readings than non site-specific air monitors.

Next there were questions about data on the City's website and how long the monitors would be running. Mr. Espinosa responded that he could put the links to the air quality information in a more prominent location on the City's website, and that he would inquire about the exact dates for the air monitoring.

There were also questions about the posting of CEQC minutes on the City's website. Mr. Espinosa stated that the City does its best to get everything on the website.

Mr. Kennedy asked if the CEQC had a Chairperson. Dr. Nosek stated that the committee does not have a chair, and that it has been quite some time since there was a chairperson on the committee. Dr. Nosek stated that there is a need for better lines of communication between the CEQC and the Planning Commission and that he's sure a better procedural connection could be made. Mr. Espinosa affirmed this statement.

Dr. Nosek also stated that since CASM is showing appreciation to those who helped establish the air monitoring at the YMCA, Dr. Holly Lenz should be contacted.

Ms. Kovesci asked how agenda items come to the CEQC. Dr. Nosek stated that recently agenda items had come from the Planning Commission and city staff.

Mr. Kennedy noted that according to City Code, it's the responsibility of the Planning Commission to designate the chair of the CEQC, and a member of the Planning Commission is supposed to be on the committee. Mr. Moeller stated that this has been an issue – not only with the CEQC, but on other city committees simply because of the time involved in serving on two groups. Mr. Moeller also stated that the CEQC can initiate projects and respond to Planning Commission requests.

Ms. Hoffman stated that she liked the idea of improving communications and it would help to have a CEQC member present recommendations of the group to the Planning Commission.

Dr. Nosek stated that it would also help if the CEQC's membership was rounded-out a bit.

Ms. Kovesci asked about fenceline monitoring and if the CEQC saw itself following up on this part of their recommendations.

Dr. Nosek stated that the group's original recommendations deferred to the MPCA and the group doesn't have greater weight than the Planning Commission. Dr. Nosek also said that he didn't feel as though he could state that all of the recommendations must be followed. Dr. Nosek stated the group did not take offense to what the Planning Commission did with the recommendations. Mr. Espinosa clarified that both the CEQC and the Planning Commission are advisory bodies – that often the Planning Commission's recommendations are overruled by the City Council.

Mr. Schild asked if the CEQC's recommendations went away after the Planning Commission did not recommend them in full. Mr. Espinosa stated that both the CEQC's original recommendations and the Planning Commission's recommendations went to the City Council for their consideration.

Ms. Kovesci asked again what would be happening with the original CEQC recommendations. Dr. Nosek stated that he doesn't see the current situation as the end of the line and the group could take another run at it. However as of now, the committee hasn't gotten beyond the monitoring at the YMCA.

Ms. Kovesci asked about additional monitoring along truck routes. Dr. Nosek stated that was examined but logistics cancelled it out.

Ms. Hoffman stated that if the CEQC re-sends the recommendations, perhaps it would be a good opportunity to discuss them with the Planning Commission.

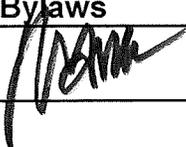
Next, Mr. Espinosa and the committee members decided to wait to meet again until after the EQB reviews the silica sand "tools" document on March 19. At the next meeting the group could discuss reiterating and re-supporting their original recommendations.

There being no further discussion, the meeting was adjourned at 5:35 p.m.

Carlos Espinosa
Assistant City Planner

PLANNING COMMISSION

AGENDA ITEM: 5. Commission Bylaws

PREPARED BY: Mark Moeller 

DATE: April 7, 2014

Given Commission approval of February 24th, the attached represents a copy of final Commission bylaws. This submittal is for reference only. No further Commission action is requested.

Attachment

**BYLAWS OF
CITY PLANNING COMMISSION
WINONA, MINNESOTA**

The following rules of procedure are hereby adopted by the City Planning Commission in order to facilitate the performance of its duties, and the exercising of its function, as a Commission created under Section 2.02 of the City Home Rule Charter and City Code Chapter 41.

Section 1. COMMISSION MEETINGS.

- (A) Time. Unless otherwise noted, regular meetings of the Commission will be held on the second and fourth Monday of each month at 4:30 p.m. When the regular meeting day falls on a legal holiday, no meeting shall be held and Commission business shall be carried to the next regularly scheduled meeting.
- (B) Each meeting of the Commission shall convene at the time and place appointed. All public hearings shall commence at the advertised time.
- (C) Commission business shall be conducted in the order of the prepared agenda, unless an alteration is approved by a majority of the Commission. The prepared agenda may also be altered by the presiding officer to accommodate the advertised time of the public hearing.
- (D) Unless otherwise agreed to by a majority of those Commissioners present, no new agenda item will be commenced later than 7:00 p.m.
- (E) If all business has not been completed, the meeting may be adjourned to another date and time following notice.
- (F) Quorum. Five Planning Commission members shall constitute a quorum for the transaction of business. Whenever a quorum is not available, no official action may be taken, and the Chair may adjourn the meeting to a future date and time, following notice.
- (G) Place. Regular meetings will be held in City Hall.
- (H) Vote. Unless otherwise requested by the Chair, voting shall be by voice. All members shall have his or her vote recorded. Official action may be taken upon a vote of a majority in attendance.
- (I) Special Meetings. A special meeting may be called by the Chair, two or more Commission members, or by the Secretary, following consultation with the Chair.

Section 2. ORGANIZATION.

- 2.1 Election of Officers. At the first regular meeting in September of

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each year, the Chair shall appoint a nominating committee of three Commission members who will present a slate of officers for the positions of Chair and Vice-Chair. The election of officers will be held at the first regular meeting in October.

- 2.2 Tenure. The Chair and Vice-Chair shall take office immediately following their election and shall hold office until their successors assume office.
- 2.3 Duties. The Chair or in his/her absence, the Vice-Chair shall preside at meetings, appoint committees, and perform such other duties as may be requested by the Commission. The Chair shall not move for action or second a motion, but shall have all voting privileges of any Commission member.
- 2.4 Secretary. The City Planner shall serve as secretary to the Commission. The secretary shall be responsible for providing clerical and technical services to the Planning Commission. All official records of the Commission shall be kept in the City Department of Community Development Office.

Section 3. PROCEDURE.

- 3.1 Parliamentary Procedure. Parliamentary procedure, governed by Roberts Rules of Order Revised, shall be followed at all meetings.
- 3.2 Hearing Procedure. When hearings, pertaining to any issue, are required, the Commission shall be guided by the following procedure:
 - A. Chair shall state the case to be heard.
 - B. Chair shall ask the applicant to present his/her case.
 - C. Chair shall call on the City Planner, or his representative, to present staff comments.
 - D. The hearing shall be opened and interested persons, upon giving their name and address, are invited to speak to the Commission. Following recognition by the Chair, Commission members may ask questions of persons addressing the Commission in order to clarify facts. Any statement by a member, other than to question, may be ruled out of order.
 - E. After all new facts and information have been brought forth, the hearing shall be closed, and interested persons shall not be heard again unless the hearing is reopened and unless all interested parties shall be allowed to be heard again. Upon completion of the hearing, the Commission shall discuss the item at hand and render a decision or recommendation.

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F. The Chair shall have the responsibility to inform all parties of their rights to appeal on any decision or recommendation which has been rendered by the Planning Commission.

Section 4. MISCELLANEOUS.

- 4.1 Suspension of Rules. The Commission may suspend any of these rules by a unanimous vote of those members present.
- 4.2 Amendments. These rules may be amended at any regular or special meeting by a majority of the members of the Commission.
- 4.3 Review. At the first January meeting of each year, these rules of procedure shall be reviewed and adopted by the Commission.

Adopted _____, at a regular meeting of the Commission.

Chair

Attested by:

Secretary