PLANNING COMMISSION MINUTES

DATE: August 26, 2013

TIME: 4:30 p.m.

PRESENT: Chairperson Porter, Commissioners Boettcher, Gromek, English, Ballard, Buelow, Davis, Hahn and Olson

ABSENT: None

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 Chairman Porter.

Approval of Minutes – August 12, 2013

The minutes from the Commission's meeting of August 12, 2013 were reviewed and, upon motion duly made and seconded, were unanimously approved as submitted.

520 Center Street – New Site Plan Review

Chairman Porter called on Carlos Espinosa, Assistant City Planner, to provide a summary of this item. Mr. Espinosa explained that during the Commission's last meeting, he had requested a legal opinion on two questions related to a site plan for a proposed lodging house facility at 520 Center Street. These questions included:

1. Does the City have the authority to vacate the property at 520 Center Street if the parking requirement for the facility is not met?
2. Does a lease for 2 years for required parking meet the intent of the City Code?

Mr. Espinosa stated that he had discussed these questions with the City Attorney who confirmed that the City would have the ability to vacate 520 Center Street if parking requirements were not met, and that as long as off-street parking requirements are met, code does not specify lease requirements for contracted parking. He further noted that Chris Hood, City Attorney, was present this afternoon to answer any questions the Commission may have. Additionally, the City Attorney had recommended that the Commission include a condition for the applicant to obtain an easement over 62 East Mark Street for access to the handicapped parking space at 520 Center Street.

Given the previous, Mr. Espinosa noted three options for the Commission this afternoon. These included:

1. Recommend approval in accordance with staff's recommendation. Staff recommends approval of the site plan with two conditions:

- The applicant provide a recorded document, prior to receiving a building permit, stating that the development will meet parking requirements as contained in City Code for as long as the property is used as proposed in the site plan. Again, with this option, he did reaffirm the fact that should adequate parking not be available to the use, the vacation of 520 Center Street could be a possibility.
- The applicant provides a recorded access easement over 62 East Mark Street for parking at 520 Center Street prior to receiving a building permit.

2. Recommend approval of the site plan with additional conditions added by the Planning Commission.

3. Table formal action until the next Planning Commission meeting.

Following further discussion, it was moved by Commissioner Boettcher and seconded by Commissioner English to approve the site plan for the proposed lodging establishment at 520 Center Street under conditions listed under option one of the staff analysis. In presenting this motion, Mr. Boettcher stated that he felt the applicant met all applicable site plan and zoning provisions pertaining to the proposed use.

In response to a question from Commissioner Olson, Mr. Espinosa noted that the requirement pertaining to preparing a recordable access easement over 62 East Mark Street, for parking at 520 Center Street, would be a condition of Commission approval. When the question was called, the vote of the Commission was unanimous to approve the motion.

CEQC Air Quality Monitoring Recommendations

Chairman Porter again called on Mr. Espinosa for a summary of this agenda item.

Mr. Espinosa explained that after review of the legislature's actions pertaining to silica sand, the Citizens Environmental Quality Committee had reaffirmed their previous recommendations related to air quality. He noted that in addition to those recommendations which were found on Exhibit A of the Commission's permanent minutes, the Committee had added three additional recommendations including:

1. Baseline data for air quality monitoring along truck routes should start now. The monitoring should be done at 4-5 sites in the City.
2. The City of Winona should make a formal request to the MPCA for an Air Emissions Risk Analysis and a Community Air Improvement Project. Information related to these had been included on Exhibit B of the agenda item.
3. In addition to information from truck routes, air quality data from silica sand facilities should be obtained using the annual silica threshold of $3ug/m^3$.

Since adoption of the previous recommendations, a silica sand meeting had been held at the Tau Center with state agency commissioners on August 2nd. During this time,

various Commissioners explained their agency's planned response to the new legislation while John Linc Stein, Commissioner of the MPCA, had noted that his agency was struggling to answer the following questions pertaining to the crystalline silica sand industry:

1. What is a standardized method to conduct crystalline silica air quality monitoring?
2. What is the recommended equipment to use for crystalline silica air quality monitoring?

In further addressing these questions, the Commissioner had noted that it would take some time to develop answers. Therefore, a request to the state's newly created Silica Sand Technical Assistance Team is unlikely to yield concrete answers about how to accurately monitor ambient crystalline silica. Given this, it may be beneficial to request a representative from the MPCA attend a Planning Commission meeting to discuss questions about air quality and to help provide options for the Commission to move forward in addressing Council air quality directives.

Given the previous, Mr. Espinosa noted that staff had presented four recommendations for Commission consideration this afternoon. These included:

1. Forward the CEQC's recommendations to the City Council, as received.
2. Forward the CEQC's recommendations to the City Council with the recommendation that the City asks the state for review from the "Silica Sand Technical Assistance Team" to be established in October 2013.
3. Forward the CEQC's recommendations to the City Council with the recommendation to wait for the state to answer remaining air quality questions before moving forward with an air monitoring program.
4. Table the item and direct staff to request that an MPCA representative attend a Planning Commission meeting to discuss questions about air quality and help provide options for moving forward.

At this point, Chairman Porter opened Commission discussion of this item.

Commissioner Boettcher noted that during his recent attendance at the joint Planning Commission/City Council CIP meeting, he did not see a line item for short to long term air quality monitoring costs within the City.

Commissioner Olson agreed that long term costs could be significant. In his opinion, until such time that the state establishes protocol/standards relating to the air quality testing of anything, his recommendation would be to not exercise the monitoring option.

Commissioner Porter agreed by noting that he felt it was a waste of money to test for any form of potential air quality problem without first having monitoring protocols and standards in place. At this point, he suggested that the Commission consider option number four of the staff report inviting an MPCA staff member to discuss air quality issues with the Commission. Again, he felt it was premature to forward any

recommendation to Council until such time that the Commission has a better handle on the issue and can provide an informed recommendation to Council.

Commissioner Davis noted that she too favored option number four of the staff report. Given that CEQC recommendations had not been fully developed, she felt it was premature to provide any form of rationale recommendation to Council. She was hopeful that a discussion with professionals from the MPCA would assist in providing additional information to the many questions that remain.

Commissioner Boettcher again noted that given recent air quality testing at sand processing facilities in the Wisconsin area, no significant problems had been noted. Given this, he felt that the Commission does have time to become better informed in order to forward solid recommendation to Council. He encouraged all to not to get the cart before the horse and noted that the State needs to be a player in this process.

Commissioner Porter too felt that the State needs to be a partner in addressing silica sand and air quality issues.

Following further discussion, it was moved by Commissioner Olson and seconded to recommend that the Commission exercise option number four of the staff analysis by inviting representatives from the MPCA to meet with the Commission at the soonest possible date. When the question was called, the vote of the Commission was unanimous to approve the motion.

Mr. Espinosa noted that staff would be contacting the MPCA relative to the Commission's directive. As part of this, he anticipated that the MPCA would be provided with recommendations of the CEQC for possible discussion purposes.

Adjournment

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

Mark Moeller
City Planner