

## Action Item #4

AN ORDINANCE TO AMEND  
THE CODE OF THE CITY OF  
WINONA, MINNESOTA  
1979

The City of Winona does ordain:

Section 1. That Section 43.01 of Chapter 43 of the City Code of Winona, Minnesota, 1979, which Section sets forth “Definitions” of the Zoning Chapter, be amended as follows:

43.01 DEFINITIONS. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Heavy Commercial Vehicle: Any vehicle with a gross vehicle weight rating over 33,000 pounds.

Road Use Agreement: An agreement between a developer or property owner and a road authority identifying the road improvements, road impacts, and impact mitigation and remediation measures necessary to preserve the condition of road infrastructure and to make such improvements as may be necessary to handle the volume, weight, size, turning radius, and other attributes of the truck traffic generated by a land use.

Section 2. That Chapter 43 of said Code, which Chapter is entitled “Zoning”, be amended by adding thereto the following Article:

### ARTICLE IX. TRANSPORTATION IMPACT ANALYSES AND ROAD USE

#### AGREEMENTS

##### 43.88 PURPOSE.

- (a) Purpose and Intent: The intent of this article is to provide the information necessary to allow decision-makers to assess the transportation implications of traffic associated with a proposed development in relation to safety, the existing and proposed capacity and condition of the street system, congestion, and the quality of life of neighboring residents. This article establishes requirements for the analysis and evaluation of

transportation impacts associated with proposed developments. Traffic studies should identify what improvements, if any, are needed to:

- (1) insure safe ingress to and egress from a site;
- (2) maintain adequate street capacity on public streets serving the development;
- (3) ensure safe and reasonable traffic operating conditions on streets and at intersections;
- (4) avoid creation of or mitigate existing hazardous traffic conditions;
- (5) minimize the impact of non-residential traffic on residential uses in the vicinity; and
- (6) protect the public investment in the existing street system.

#### 43.89 GENERAL PROVISIONS

- (a) When Required: A Transportation Impact Analysis and Road Use Agreement shall be required for any development subject to a site plan or CUP after 1/1/2013 which will generate 200 or more heavy commercial vehicle trips per day at maximum daily operating capacity. This threshold shall not prevent the City Engineer from requiring analyses for projects where heavy commercial vehicles from the operation would contribute more than 20% of the traffic on any local street for which residential property makes up more than 50% of the street frontage.
- (b) Jurisdiction: The City Engineer shall have the final authority for determining the need and adequacy of Transportation Impact Analyses and Road Use Agreements. The City Engineer may waive the requirement for a Transportation Impact Analysis and/or Road Use Agreement.
- (c) Applicability: A Transportation Impact Analysis shall apply to roads used for transporting materials in heavy commercial vehicles, extending from the site access to a truck route unless waived by the City Engineer.
- (d) Application: No development application subject to a Transportation Impact Analysis or Road Use Agreement shall be considered complete unless accompanied by an appropriate traffic study except if a waiver has been granted.
- (e) Findings: A Transportation Impact Analysis shall find the following:
  - (1) The traffic generated by the proposed use can be safely accommodated on proposed haul routes and will not need to be upgraded or improved in order to handle the additional traffic generated by the use; or

- (2) A Road Use Agreement is recommended specifying responsibility for improving and maintaining roads including remediation of damaged roads and specification of designated haul routes.

#### 43.90 TRANSPORTATION IMPACT ANALYSES

- (a) Contents: A Transportation Impact Analysis shall contain the following information at a minimum:
  - (1) An analysis of existing traffic on road segments and intersections from site access to a truck route.
  - (2) Traffic forecasts for road segments and intersections from site access to a truck route. Such forecasts shall be based on the maximum trips per day.
  - (3) An analysis of the impact of the proposed development on residential streets in the vicinity of the site to identify any potential adverse effects of the proposed development and mitigation measures to address any impacts. Examples of possible effects include, but are not limited to, non-residential traffic impacts on residential neighborhoods, schools, pedestrian and bicyclist safety hazards (especially at points where haul routes intersect with facilities having high levels of pedestrian or bicycle traffic), traffic noise, or turning movement conflicts with other driveways or local access roads.
  - (4) An analysis of level of service for intersections from site access to a truck route.
  - (5) An analysis of intersection sight distances.
  - (6) An analysis of the road's structural ability to handle trucks extending from site access to a truck route. Such analysis shall include an analysis of existing and projected cumulative equivalent single axle loads (ESALs) using the Minnesota Local Road Research Board (LRRB) Pavement Impacts of Large Traffic Generators methodology. A structural analysis shall also be completed for any bridge or culvert along a public road used for a haul or access route if identified as at risk for structural failure due to increased ESAL loadings from the proposed use.
  - (7) A finding that traffic impacts can either be handled by the roads studied or:

- i. A list of infrastructure improvements needed to bring the route up to commonly accepted engineering design standards and access management criteria, and/or
- ii. A list of roadbed, ride surface, or drainage improvements that are needed to increase the structural stability of roads and any substructure, superstructure or deck improvements needed to increase the structural stability of bridges and culverts.

#### 43.91 ROAD USE AGREEMENTS

- (a) A Road Use Agreement shall be prepared for developments subject to a Transportation Impact Analysis at the discretion of the City Engineer. Such agreement shall be developed in response to the findings of a Transportation Impact Analysis. The agreement may address, but is not limited to any of the following road infrastructure matters:
  - (1) Responsibility for upgrading
    - a. Pavement sections, bridges, and culverts structural condition
    - b. Intersection signals and signage
    - c. Geometric design, including entrances, intersections, railroad and pedestrian/bicycle facility crossings, geometric design of bridges and culverts, and typical road cross-sections;
  - (2) Responsibility for exceptional maintenance attributable to the use, estimated based on Minnesota Local Road Research Board (LRRB) Pavement Impacts of Large Traffic Generators methodology;
  - (3) Responsibility for clean-up of spillage and public road dust control along haul routes;
  - (4) Establishment of financial accounts to address costs associated with upgrading and exceptional maintenance costs;
  - (5) Delineation a of haul route between site access and a truck route;
  - (6) Schedules of operation and hauling, including construction operations;
  - (7) Methods to verify and report type, number, and weight of truck loads;
  - (8) Emergency conditions creating a need for immediate road repairs or road closing;

(9) Required insurance; and

(10) Remedies and enforcement measures.

Section 3. That this ordinance shall take effect upon its publication.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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Mayor

Attested By:

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City Clerk