



CITY HALL

207 Lafayette Street
P.O. Box 378
Winona, MN 55987-0378
FAX: 507/457-8212

October 4, 2012

Planning Commissioners
Winona, Minnesota 55987

Dear Commissioner:

The next meeting of the Planning Commission will be held on **Monday, October 8, 2012, at 4:30 p.m. in the Council Chambers** of the Winona City Hall.

1. **Call to Order**
2. **Minutes – September 24, 2012**
3. **Sand Moratorium Study: Traffic Impacts and Road Wear**
4. **Sand Moratorium Study: Setback for Equipment and Stockpiles at Sand Processing and Transportation Facilities**
5. **Sand Moratorium Study: Remaining Timeline**
6. **Other Business**
7. **Adjournment**

Sincerely,

A handwritten signature in black ink, appearing to read "Carlos Espinosa".

Carlos Espinosa
Assistant City Planner

PLANNING COMMISSION MINUTES

DATE: September 24, 2012

TIME: 4:30 p.m.

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

ABSENT: Commissioner Briggs and 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 Chairman Porter.

Approval of Minutes – September 10, 2012

The minutes from the Commission's meeting of September 10, 2012 were reviewed and upon motion by Commissioner Eyden and second by Commissioner Boettcher, were unanimously approved with a correction to the minute approval section of page 1. Under this correction, Chairman Porter had not seconded approval of minutes from the Commission's meeting of August 27th. With this, the minutes should reflect that the motion by Commissioner Olson was simply seconded.

Public Hearing – Zoning of Annexed Properties – Pinecrest

Chairman Porter called on Mark Moeller, City Planner, to provide a summary of this item.

Mr. Moeller explained that the purpose of the hearing was generally to consider the zoning of eight properties located along Pinecrest Road, from an unzoned status to R-1 (One Family Residence). He further explained that given a 2005 Orderly Annexation Agreement between the City and Wilson Township, a total of 18 parcels had been annexed into the City. As referenced during the Commission's meeting of August 12th, such parcels do not bear a zoning classification until given one by Council. Additionally, parcels annexed had generally been clustered around two neighborhoods, including Pinecrest and Valley View Drive.

Mr. Moeller reminded the Commission that during its meeting of August 12th, it had, given a request from staff, initiated the zoning process for all 18 parcels. The purpose and intent of this hearing relates to the zoning of those parcels located within the Pinecrest Neighborhood. Although eight properties, within this neighborhood, have been annexed into the City, an additional eight, along with right-of-way for Pinecrest Road remain in the Township. Additionally, given requirements of the 2005 Annexation Agreement, sewer and water lines have been constructed along the total length of Pinecrest Road. Given this action, he had been advised that four of the eight annexed parcels have actually connected to utilities. Further, access to City utilities had been the primary reason given for annexation of the eight parcels.

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Given analysis of the neighborhood, Mr. Moeller explained that it is generally buffered between Pleasant Ridge Road and associated blufflands to the east, and Pleasant Valley Creek floodplain to the west. Additionally, any future redevelopment opportunities that may exist within the neighborhood will likely be influenced by these environments. Although annexed parcels had not yet been zoned, those remaining in the Township are currently zoned (Township) Urban Residential, with the stated general purpose of promoting low-density residential use. Although lands to the north of the neighborhood are City zoned R-1 and R-S, Township land to the east, west and south of the neighborhood is currently Township zoned Agricultural Natural Resource.

Mr. Moeller explained that staff had undertaken an analysis of existing annexed properties. From this, it had been determined that current lot structure and performance standards vary significantly. For example, lot sizes range between 10,193 and 61,725 sq. ft. and lot frontages range between a minimum of 43 feet and a maximum of 282 feet. Additionally, the 2007 Comprehensive Plan has recommended low density residential use for all land located within Orderly Annexation areas. Given the previous data Mr. Moeller noted that recommendations of the 2007 Comprehensive Plan for this area could be achieved through three City zoning districts including Rural Residential (R-R), Residential Suburban (R-S) and One Family Residence (R-1). Given a comparison of required performance standards for these districts to existing annexed lot conditions, it was staff's opinion that the R-1 district would provide the best fit. Given this fit, existing use would be "locked in", nonconformities would be kept to a minimum, and the purpose and intent of City 2007 Comprehensive Plan recommendations would be met for this area.

In concluding, Mr. Moeller stated that, should the Commission concur with staff recommendation on this matter, it should request that Council consider and adopt the ordinance that had been included in this afternoon's meeting agenda. Should the Commission feel that a modified recommendation is desired, options for such an action could include more restrictive (R-R or R-S) districts.

At this point, Chairman Porter opened the public hearing and called for anyone who wished to speak to present first their name and address. There being no one present to speak for, or against, the petition, the hearing was closed.

Following brief discussion, it was moved by Commissioner Gromek and seconded by Commissioner Eyden to recommend that City Council consider approval and adoption of the ordinance that had been included in this afternoon's agenda package. When the question was called, the vote of the Commission was unanimous to approve the motion.

Sand Moratorium Study: Traffic Impacts and Road Wear

Chairman Porter introduced this item and began by calling for comments from any person present representing the Blasting Committee. There being none, he called for comments from any person representing the sand industry.

Rich Mikrut noted that the proposed ordinance, included in this afternoon's agenda package, would require traffic impact analyses and road use agreements for new

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projects that met certain truck traffic thresholds. Following his review of this document, he felt that it needed more work before consideration by the Commission. More specifically, he suggested that the ordinance was too broad in requiring a traffic impact analysis for a "total" haul route that might include established City truck routes or state/county highways. In his opinion, the scope of this requirement should be pared back to include the study of any such portion of the haul route that is not a truck route or county/state highway. Additionally, although the proposed ordinance would trigger a traffic impact analysis for "new" development meeting a threshold of 200 truck trips per day, he asked if this threshold would apply to existing as well as new businesses. In concluding, Mr. Mikrut stated that he had met with staff relative to these questions.

Chairman Porter then called for anyone representing the CASM group to provide comment.

Marie Kovesci noted that in her return from a recent trip, she had attempted to locate agenda's and minutes from the last couple of meetings. However, these did not appear to be posted on the City's website. Given this observation, it was very difficult for the general public to keep up with the issue when access to this information was not readily available. She further referenced the fact that no summary notes had been posted relative to the Commission's recent roundtable event.

Ms. Kovesci then provided comment to today's subject by noting that the 200 truck trip per day threshold was too liberal. She suggested that the City use, as a standard, that which had been adopted by the County. This standard does not rely on a threshold to initiate traffic study. She further noted that Winona is, and will continue to be, a high receiver of frac sand trucks and materials. Additionally, Highway 14 will continue to be a heavily used conduit for sand coming, to Winona, from future mines in for processing.

Saratoga Township sand for processing is expected to be brought to the City of Winona for washing and shipping purposes. From her understanding, it was conceivable that truck traffic from these mines will easily exceed the 200 truck trip limit.

In concluding, she encouraged the Commission to give high consideration to Community safety in developing a road use ordinance.

Chairman Porter then called for any other comments from the general public.

Jim Gurley, 22505 Betty Jane Drive, Winona, stated that he was attending this afternoon's meeting as a private citizen. Given his review of news coverage of the Commission's recent roundtable, it was his understanding that it was attended by a small handful of people. Given that, the shopper/post had quoted Mr. Porter as suggesting that the small attendance related to the fact that the Commission was doing a good job with the sand issue. Mr. Gurley suggested that the statement was dangerous and that, although a number of people are spending a significant amount of time in studying the issue, these same people do not feel that they are being listened to when they do provide comment. Although he understood that the Commission is making an effort to hear what citizens have to say during public comment periods, most

do not feel that the Commission is doing anything with this input. Again, Mr. Gurley emphasized that many local citizens have put in thousands of hours into this issue. He suggested that the Commission work a bit harder in recognizing that input from these folks can be valuable to Commission efforts.

Chairman Porter then called on staff to provide a summary of this afternoon's agenda package.

Mr. Moeller noted that during the Commission's last meeting, Commissioners had directed staff to create a draft ordinance amendment reflecting discussions of traffic impacts and road wear that had occurred at that time. He noted that the draft ordinance had been included in this afternoon's agenda as Exhibit A. In part, he explained that the proposal was largely based upon a recently adopted ordinance taken from Olmsted County, and found as Exhibit B to the agenda. He further noted that additional background research had been conducted on similar ordinances from other jurisdictions – found as Exhibit C (taken from the City of Rochester).

Following the Commission's last meeting, questions did begin to surface relative the concept. Of these, the more significant related to the following:

1. Would an addition to an existing business trigger an impact analysis?
2. What is the appropriate scope of the impact analysis and road use agreement?

In addressing the first question, it was staff's intent, (based upon Commission input at the last meeting) that any new development generating 200 or more truck trips per day would be subject to a traffic impact analysis. As defined in the ordinance, new would be any such development occurring following the general date of January 2013. In reviewing the first question, staff realized that the definition of the term "development" does need to be examined more closely. As such, staff was proposing that this term be more clearly defined and brought back to the Commission's next meeting.

Given the second question, the present ordinance defines a haul route as being the total route located between the traffic generator and City limits. Given this definition, any use that would generate a total of more than 200 truck trips per day would be required to conduct a traffic impact analysis of the "total" haul route, unless waived by the City Engineer or appropriate road authority for County or State Highways. In discussing this with the City Engineer, it was highly likely that the City Engineer would, in many cases, waive study requirements for streets that are designated truck routes within the City. As such, it may be appropriate to consider narrowing the scope of the haul route definition to include only road segments used to reach truck routes or county/state highways. In part, this is something that the Commission is being asked to discuss this afternoon. He also suggested that the Commission provide direction/feedback of the appropriateness of the structure of the proposed ordinance. Given that feedback, staff would return to the Commission during its next meeting to review revisions.

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Commissioner Gromek stated that, upon his review of the draft ordinance, he would concur that the scope of a traffic impact analysis should relate to local non truck routes only.

In response to a question from Commissioner Porter, Mr. Moeller noted that with some exceptions, most truck routes in the City are designed to a ten ton standard.

Commissioner Buelow stated that although he understood trucks had a right to utilize established truck routes within the City, many of these do flow through residential areas. Given this, it was suggested that if a proposed development was to significantly result in traffic flows on such routes, impact reviews were legitimate.

Commissioner Boettcher noted that local businesses could not work without adequate transportation systems, including local truck networks.

Mr. Moeller explained that, as structured, the present draft ordinance would become part of the City zoning ordinance, and would apply to any new business or industry use that may generate more than 200 truck trips per day. The intent of the provision is to apply it broadly to all businesses or industries meeting the threshold, and not just the sand industry.

Commissioner Eyden suggested that it was not the Commission's intent to require any specific developer to pay for road improvements that may be highlighted through a traffic impact analysis. However, road use agreement language of the draft ordinance appeared to imply that this is the case.

Commissioner Porter stated that although Rochester and Olmstead County are being used as models to develop the ordinance, the environmental setting of those areas is slightly different than bluff and river environments that constrain Winona. With this, he suggested that staff look at what other river based communities have done in addressing heavy truck traffic uses and use patterns.

Commissioner Buelow asked how many industries within the City currently generate 200 truck trips per day. Mr. Moeller responded that no survey had been taken to define this.

Commissioner Boettcher suggested that heavy truck volumes vary significantly by seasons. Again, during fall grain movements, a significant amount of truck traffic occurs at the Winona Port. During other times of the year, very little truck traffic may be seen at this area.

Commissioner Davis noted that many local, county and state highways through the City are multi functional in meeting traffic and recreational needs. In addressing safety conflicts resulting from these activities, she proposed that recreational activities, such as bike routes, be directed to non truck route streets. Her thought process here being that it would be easier to change the way truck routes are used, rather than to modify their classification. She concluded by referencing the Knopp Valley Drive/Highway 14

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Intersection. At that location, lights had been proposed in the past. However, MnDOT has concluded that such an action may result in more accidents than currently exist.

Chairman Porter again addressed his thought that ordinance models from other river communities should be reviewed.

Commissioner Gromek stated that although the ordinance seems to be on the right track, it would need to be tweaked in a number of areas.

Commissioner Boettcher stated that the previous discussion does indicate there is a very strong need to complete the Louisa Street Project that would better connect Highway 61 with east end commercial/industrial uses.

Commissioner Eyden noted concerns with cumulative impacts. She further explained that in reviewing the Rochester ordinance, she pointed to a number of provisions that she would like included in the City Ordinance. Of these, one was section 61.526 (4) related to residential street impacts.

In response to a question from Commissioner Gromek, Rich Mikrut replied that the definition of heavy commercial vehicle would be more than the 26,000 pound rating as currently defined under the draft proposal. He further noted that the business community would have significant concerns with road use agreements and potential impacts on established truck routes or county/state highways. These routes are currently designed to accommodate truck use and, by ordinance, all trucks are required to use these routes unless deviations to the destination are needed. Given this, if improvements are needed to such streets, these should be funded by the City as a whole rather than a single industry. Although he suggested that non truck route segments of a haul route could be the subject of a traffic impact analysis, how improvements or impacts are funded needs careful thought.

Commissioner Gromek noted that the truck impact analysis/road use agreement concept may translate into costs to a potential developer.

Commissioner Buelow stated that the 200 truck trip per day threshold could generate from a number of mined sources throughout the area. If all of this traffic was coming into Winona, its cumulative effect could have significant negative impacts on the City's street infrastructure.

Following further discussion, Chairman Porter directed staff to come back at its next meeting with potential ordinance changes reflecting discussion this afternoon. He further suggested that other communities be used in preparing a model for the traffic issue.

Chairman Porter opened the microphone to representatives of the Blasting Committee, CASM, Frac Sand Industry or other public comment.

In response, Marie Kovesci stated that, since she had limited access to data presented this afternoon, she would follow up with a contact to staff.

Approval of 2013 – 2022 Capital Improvements Program

Chairman Porter called on Mr. Moeller to provide a staff overview of this issue. Following a review that was focused on potential projects for the coming year, it was moved by Commissioner Boettcher, and seconded to recommend approval of the 2013-2022 Capital Improvement Plan to Council.

Adjournment

There being no other business to come before the Commission, the meeting was adjourned. With a noted that the Commission's next meeting is scheduled for Monday, October 8th.

Mark Moeller
City Planner

PLANNING COMMISSION

AGENDA ITEM: 3. Sand Moratorium Study: Traffic Impacts and Road Wear

PREPARED BY: Carlos Espinosa

DATE: October 8, 2012

Based on Commissioner's comments from the last meeting, staff completed additional research on how other cities and counties approach traffic impact analyses and road use agreements:

City of Red Wing

Red Wing recently adopted a number of code changes to address silica sand operations in the City. The code changes require a CUP for sand mining, processing, and transportation facilities. One of the conditions is a requirement for a transportation impact study and road use agreement:

21. *Transportation Impact Study and Road Impact Agreement. The City shall require the owner/operator of a silica sand processing facility to complete a Transportation Impact Study and may require the owner/operator to enter into Road Impact Agreements as conditions of their permit and registration.*

- i. Transportation Impact Studies. When a proposed or amended conditional use permit is requested, the City shall require a Transportation Impact Study.*
- ii. Road Impact Agreements. When a proposed or amended conditional use permit is requested, the City may require a Road Impact Agreement to alleviate the additional burden on the City's financial resources associated with the road infrastructure maintenance affected by granting the request.*

This requirement is only for resource extraction and silica sand processing and transportation operations. Although Red Wing's current City Code has language that would allow a traffic impact analyses and road use agreement to be applied to any conditional use, they are only required for resource extraction and silica sand operations. The ordinance amendments do not provide any specifics beyond what is written above. It was the Planning Department's intent to have general language in the code with details to be worked out when applications come forward. As such, there is no "threshold" for number of trucks and no details on the geographic extent of the analyses.

City of Eau Claire, WI

The City of Eau Claire has only had one application for a silica sand transport facility. The City does not have a requirement for traffic impact analyses and road use agreements in their code, but nonetheless required the applicant to complete one. The analysis addressed the entire haul route through the City. The analysis resulted in improvements made to one intersection paid for by the applicant. Responsibility for the improvements was formalized in a development agreement.

La Crosse County

La Crosse County would require a traffic impact analysis and road use agreement for any development which generates 200 or more vehicle trips. No differentiation is made between cars and trucks.

Goodhue County

Goodhue County is still conducting their silica sand moratorium study. However, recommended changes to the County ordinance would allow the County to require a "Road Impact Study and Agreement" as part of any new land use request that appears to have a significant impact on the local roads. The analysis would cover all traffic routes in the County, but only County highways and local roads would be studied for potential pavement upgrades.

Winona County

Winona County's ordinance requires traffic impact analyses and road use agreements only for silica sand land uses. There is no threshold on number of trucks. The extent of the traffic impact analysis is determined by the County Highway Engineer (note that the Nisbit traffic impact analysis covers County roads and ends at State Highway 14).

Houston County

Houston County is exploring the application of traffic impact analyses and road use agreements only for silica sand uses. The analysis would cover township, county, and state roads unless waived by the appropriate road authority. The threshold on the number of trucks which would trigger an analysis would vary depending on the type of roads used for the haul route.

Chippewa County, WI

Chippewa County has a requirement for road upgrade and maintenance agreements for non-state roads (i.e. County and township roads).

At the last meeting, Commissioners also discussed the impact of truck traffic on streets with a large amount of residential property. To address this issue, current City Code allows the City to designate specific routes to be used by trucks. In addition, the following language (highlighted) has been added to the draft traffic ordinance amendments (Attachment A):

43.89 GENERAL PROVISIONS

When Required: A Transportation Impact Analysis and Road Use Agreement shall be required for any development after 1/1/2013 which will generate 200 or more heavy 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.

This language is based off requirements in Rochester and Olmsted County codes. Importantly, this would only provide an additional basis for the City Engineer to require a traffic impact analysis – it is not a stringent rule and would not stop a project. It would simply help the City to assess the impact of truck traffic on residential properties.

Next Steps

Based on the information provided above, the following questions are before the Commission:

Question 1: Should Transportation Impact Analyses and Road Use Agreements be applied:

- A) From project site to truck route; or
- B) From project site to City limits, but with segments of roads waived by the appropriate road authority.

Question 2: Should Transportation Impact Analyses and Road Use Agreements be applied to:

- A) Only new silica sand operations; or
- B) All developments. In this case “developments” would be projects subject to a site plan and or CUP (see Attachment A). This means basically any new physical construction which generates 200 or more heavy truck trips per day. If an existing business expands in intensity, but does not prompt a site plan, the potential for a Transportation Impact Analysis and Road Use Agreement would not be triggered.

After answering these two questions, the options available to the Commission are:

- 1) Forward the revised ordinance for final review on October 22nd. Under this option, the ordinance would be packaged with all other ordinance amendments proposed during the sand moratorium for final review before setting a public hearing.
- 2) Further amend/review the ordinance.
- 3) Decline to forward the revised ordinance. Under this option, future sand operations would be processed under the existing CUP language which would likely put a cap on the number of trucks and designate a specific haul route through the City.

Attachments:

- A) Draft Ordinance Amendments

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:

Haul Route: The set of public roads used for transporting materials in heavy commercial vehicles, extending from the site access to (City limits or a truck route).

Heavy Commercial Vehicle: Any vehicle with a gross vehicle weight rating over 26,000 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 XVIII. 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 or sand operations subject to sections 43.48, 43.63 (b)(39), or 43.63 (b)(40)) after 1/1/2013 which will generate 200 or more heavy 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 or other Road Authority Representative (County Highway Engineer and/or District Engineer of Mn/DOT District 6) may waive the requirement for a Transportation Impact Analysis and/or Road Use Agreement.
- (c) Applicability: A Transportation Impact Analysis shall apply to haul routes used for transporting materials in heavy commercial vehicles, extending from the site access to (City limits or truck routes) unless waived by the appropriate Road Authority Representative.
- (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 the roads of affected jurisdictions including remediation of damaged roads and specification of designated haul routes to limit truck traffic to structurally adequate corridors.

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 along the haul route.
- (2) Traffic forecasts for road segments and intersections along the haul 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 on the haul route.
- (5) An analysis of intersection sight distances.
- (6) An analysis of the haul route's structural ability to handle trucks. 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 haul route 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. 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 of haul routes;
 - (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.

Mayor

Attested By:

City Clerk

DRAFT

PLANNING COMMISSION

AGENDA ITEM: 4. Sand Moratorium Study: Setback for Equipment and Stockpiles at Sand Processing and Transportation Facilities

PREPARED BY: Carlos Espinosa

DATE: October 8, 2012

Reviewing proposed code amendments related to frac sand operations, setbacks related to future mining operations have been addressed, but setbacks related to sand processing and transportation facilities have not been addressed. Currently, one of the CUP requirements is that any equipment or stockpile within 500' of a residential or business zoned property shall be enclosed by a structure. Staff proposes that the Commission consider adding a 200' setback requirement for stockpiles and equipment as follows:

d. Setback for Equipment and Stockpiles. All equipment and stockpiles shall be located a minimum of 200' from a residential property.

The 200' setback from residential is the same for other uses in the M-2 zoning district such as junk/scrap yards, crematories, rail yards and freight stations, and large breweries (see attached). This amendment would provide an additional buffer from residential uses, and stockpiles and equipment within 500' of a residential district would still be required to be enclosed by a structure.

If the Commission concurs with adding such a requirement to the existing sand processing and transportation CUP requirements, a motion to forward it to public hearing would be in order.

Attachment:

A) M-2 Zoning Code

43.63 M-2 GENERAL MANUFACTURING DISTRICT. (a) Permitted Uses. Any use permitted and as regulated in the M-1 district shall be permitted in the M-2 district, except as hereinafter modified.

Any manufacturing use which is not prohibited altogether by this division or is not listed in subsection (d) of this section as subject to review in conformance with the performance standards procedure set forth in Section 43.30 may be permitted without such review; provided, however, that any such permitted use shall be subject to the requirement of initial and continued compliance with the performance standards in Section 43.33; and provided further, that any proposed use may be required to be reviewed in conformance with the performance standards in Section 43.30 at any time before or after issuance of a zoning certificate or building permit if, in the opinion of the zoning or building inspector or the board, it is considered possible that such use may violate or may already be in violation of the performance standards prescribed in Section 43.33.

The following uses shall also be permitted without board review or performance standards procedure, but shall be subject to the certain specifications prescribed below in each instance.

- (1) Junk/Scrap Yards. If located not less than 200 feet from any R district; provided, that the use shall not involve the handling or storage of putrescible solid waste materials, and any outside storage areas are enclosed on all sides with a solid wall or uniform tight board fence, not less than 8 feet high and that such operation shall not be visible from the nearest street or highway.
 - (2) Transfer Stations as defined in Section 35.01. Provided that, any part of such use shall be located not less than 300 feet from any R or B district; that any outside storage areas are enclosed on all sides with a solid wall or uniform tight board fence, not less than 8 feet high, and that such operation shall not be visible from the nearest street or highway.
 - (3) Crematory. If located not less than 200 feet from any R district.
 - (4) Railroad yard and freight station. If located not less than 200 feet from any R district.
 - (5) Large Breweries, provided that no portion of any structure which is used for the production of malt liquors (excluding warehousing and storage) shall be located closer than 200 feet from any R District.
 - (6) Other uses. Any other use that is determined by the board to be of the same general character as the above permitted uses; provided, that it can comply with the performance standards in Section 43.33.
- (b) Conditional Uses. The following manufacturing uses shall be permitted in the M-2 district only if specifically authorized by the board in accordance with the provisions of Section 43.30; provided, that such uses can control the generation of any dangerous or offensive elements in their operation, so as to comply with the performance standards in Section 43.33 and subject to review in accordance with the performance standards procedure in Section 43.30 in all instances.
- (1) Acetylene manufacturing in excess of 15 pounds pressure per square inch.
 - (2) Acid manufacture, except as provided in this section.
 - (3) Asbestos manufacture.
 - (4) Automobile assembly.
 - (5) Bleaching, cleaning and dyeing plant.

PLANNING COMMISSION

AGENDA ITEM: 5. Sand Moratorium Study: Remaining Timeline

PREPARED BY: Carlos Espinosa

DATE: October 8, 2012

Depending on the progress of the Commission on previous agenda items, the remaining timeline for sand moratorium topics may be as follows:

October

- 22 Meeting: Draft report and recommendations discussion. At this meeting, staff would assemble a draft report and package all ordinance amendments proposed during the sand moratorium for final review before setting a public hearing.
- Other: Roundtable discussion on draft recommendations prior to November 12.

November

- 12 Meeting: Draft report and recommendations discussion or potential public hearing on final recommendations. Potentially finished with moratorium study.
- 26 Meeting: Public hearing on final recommendations. Potentially finished with moratorium study.