

## CITIZENS ENVIRONMENTAL QUALITY COMMITTEE MEETING NOTES

DATE: Thursday Nov. 1, 2018

TIME: Scheduled for 4:30 pm at the City Hall Misato Room

PRESENT: Dan Hall, Lynette Power, Alison Bettin, and Bruno Borsari

GUESTS: Chris Rogers (Winona Post)

STAFF: Natural Resources Sustainability Coordinator John Howard, Asst. Planner Luke Sims

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1. Call to order by Chair Hall at 4:31 pm.
2. **Community Input Session:** No community members were present, so no presentation was conducted. John passed out a letter from the Winona area Chamber of Commerce stating their opposition to creating an environmental commission. This letter will also be distributed to the Planning Commission and City Council per the Chamber's request.

Chair Hall stated that the Chamber has stated similar concerns in the past, and is concerned about environmental regulations impacting their members. The CEQC worked to address the concerns of the business community by making changes to the draft ordinance, but were not able to allay the Chamber's concerns.

Bruno proposed drafting a response to stakeholders so they can see the "other side of the pancake". Dan said that since the Chambers views are known, and established, replying does not do much good. Bruno suggested the minimum response by the CEQC should be a reply. Alison stated since no action is before council there is not a pressing need to respond, and may trigger a battle or confrontation with the Chamber. Alison does not see conflict between business and environment, and is a small business owner herself. LaCrosse is an example of a City embracing the environment and businesses simultaneously.

Dan offered to draft a reply for review at the next meeting. Dan stated there is history, including frac sand and bluff land protection, that seems to cause pushback from the Chamber. Alison asked for clarification on history of motions for commission status. John replied that the CEQC went before the Council in June of this year, and the motion to be a commission was tabled, with many Councilmembers citing concerns from the business community. Dan added that the Planning Commission voted to support the creation of an Environmental Commission, although at a 3-2 vote, prior to the CEQC going before the City Council.

Lynette suggested a refinement of goals, as it seems there is still confusion about the CEQC having a regulatory focus when the CEQC really only desires to be an advisory commission. Dan does not believe the Chamber can be convinced otherwise. Ultimately the CEQC's status will be a decision for the City Council.

John added there was one other individual who provided input, and this individual suggested the CEQC consider addressing noise pollution as a goal. Alison saw his post on Facebook to this effect.

Alison suggests getting other groups to support the CEQC if the CEQC desires to go before the City Council to request becoming a commission. Groups that came to mind: Winona Area Pollinators, Healthy Lake Winona, Mississippi River Revival, Friends of the Refuge. Lynette thought getting a coalition would be helpful, which prompted John to suggest Sustain Winona as another group. Alison offered to assemble a list.

3. **Review of Oct. 4 Minutes:** Bruno moved for approval, seconded by Alison. Draft minutes approved unanimously.

4. **Unified Development Code (UDC) Review:**

Dan suggested going through paragraph by paragraph, with John taking notes. CEQC agreed to this process.

- 1.11 Purpose:

Dan: No mention of environment, and seems there should be. Surprised to see a reference to morals and comfort? Suggests the phrase "Protection of the environment" inserted to end of 1). Alison suggests adding it to 3).

Luke stated that the UDC is adapted from previous City code, which may explain the reference to morality and comfort. Lynette also said "comfort" is awkward. She wonders if the morality mention could be from the controversy about the downtown porn book store and massage parlors.

Bruno: # 3: most appropriate use of land is quite vague. What is inappropriate? Example of house on the bluff being offensive and not "appropriate" to some people. Dan said this is just the purpose statement, so ok to be vague about exact definition, and later sections should fill in the details. Bruno suggests "sustainability" in place of appropriate, or "reasonability or feasibility".

John requested clarification from Luke on how specific the CEQC should be in their suggestions. Luke said concept is what is important to Planners, but can give specific wording or phrasing if desired.

Bruno reads "purpose" heading to seem laissez faire, which is disturbing as that is not really planning. Dan believes the detail comes in later sections.

- 1.12, 1.13, 1.14 – no comments.
- 1.15. Dan had question about effective date of the UDC. Luke stated UDC was in effect upon being approved by City Council in 2017.
- 1.16 Dan – who is UDC admin? Luke stated it is City Planner Carlos Espinosa.
- 1.17 Dan- each day has violation? And misdemeanor? Luke said that is correct, but actual response is more about getting into compliance.

- 1.18, 1.21, 1.22 – no comments.
- 1.23: Dan – odd to have this section, seems to be a coverall for mistakes. Luke: graphics can be incorrect, so want to be clear about text being the definitive source.
- 1.24 Transitional rules – still some projects under old rules. Timeline is nearing end.
- 1.25 Nonconformities. Legal right to continue non-conformity. Lynette wondered on impact to small business? Such as one run through house where the business would not be allowed by the zoning. Luke replied that you can have one employee outside of yourself before zoning is in effect. Dan said that planning/zoning often was about current use, and not necessarily about what the area should be.
- 1.27 Lots of record – idea is that if you have lot of record, you can build a house. Pre 1959 there were lots of record. Chart of setbacks is still in effect for lots of record.
- Dan asked about trash or dilapidated homes, or hoarders. Luke: not in UDC, but in nuisance and building official review areas of City code.

#### Article 2:

- 2.11 and 2.12 Dan asked about overlay vs. standard zoning? Luke explained that the overlay allows other rules in an area, with underlying zoning still applying.
- 2.13 Zoning Map: John asked about unzoned? Theoretically about areas that don't have use. Lynette wondered about school re-use, and freedom to reuse? Essentially the zoning rules apply.
- 2.14 and 2.15: No comment.
- 2.16 Exceptions: Dan found this section interesting, but good to have rules for safety. Dan stated that cars can also be an obstruction. Lynette said some structures near road or alley can be unsafe. Lynette interested in pond and rules about them. John asked about whether a natural swimming pool is a pond or pool under City code. Luke replied that a natural swimming pool would be considered a pool and not a pond, and thus require fencing.
- Luke enquired about what the CEQC thought of setback rules, which historically existed for fire protection. Lynette feels that fire protection is still important consideration. Lynette also believes having homes too close together is bad for mental health. Alison torn about need for setbacks – tiny homes are not supported presently. Alison likes that setbacks limit size of house, gives space for garden and runoff absorption. Dan likes idea of having setback for uniformity. Bruno believes City needs point and non-point controls for stormwater, and to have building reuse allow co-housing.
- 2.21 John asked about the merger of conservation with ag. zoning, and if CEQC sees concerns with these two now being one zoning area. CEQC members were not sure what changed with merging zoning of these two districts so did not weigh in.

John suggested pausing at section 2. 22. Use tables, as the discussion had already run an hour. The Use Tables are some of the most important and informative pieces of the UDC, so should not rush through them. CEQC accepted this suggestion.

**5. Ongoing Initiatives:**

- a. Partners in Energy (PIE): The Green Ribbon Commission kicked off in late September, and will be a vehicle to help businesses share best practices and utilize available utility programs. Seven businesses attended representing a wide variety of industries. Next meeting will be later this month. John shared that the most recent quarterly report from Xcel Energy is in the packet and will be going to the City Council. Seems the City is doing about as well as last year with PIE actions, although a different mix of successes.
- b. Green Step: The new GreenCorps member will likely be a big help in advancing GreenStep actions. Green step webinars have started back up for the year, and John can coordinate a viewing if there is interest.
- c. Invasive Species Removal: County is putting big emphasis on Oriental Bittersweet Removal. SE Minnesota Rapid responders, which includes the City, won a statewide award for their work.

**6. Other business:**

- a. Lynette shared articles about fluoride and effects to brain health and thyroid. Alison stated that there are clear health benefits to fluoride in water. Dan also stated health benefits are there, and he would not support removing fluoride. Lynette stated fluoride can be obtained by other means, for example at dental visits, so doesn't need to be in drinking water. Currently it is a challenge for those who want non-fluorinated water to get it. Alison concerned about the equity for those not having access to dental care. Dan concerned about fringe appearance if the CEQC seriously devotes time to studying fluoride. Alison feels there are more pressing and impactful issues to focus on. Bruno believes Lynette has provided good food for thought. John does not believe the City could legally provide non-fluorinated water. Private well may be an option, although Lynette doubts that the wells run to the same deep aquifer that the City uses, and thus would be inferior water.
- b. Park Plan is in development, and one recommendation of the draft plan is for the CEQC to advise on environmental aspects of park management. John asked if CEQC would be willing to fill that role. CEQC supportive of being engaged in park environmental management.

7. Meeting adjourned at 6:33 pm. Moved by Bruno, all in favor.