

**Red Wing Advisory Planning Commission
Regular Meeting
City Hall Council Chambers
March 15, 2016**

Commissioners Present: Chair Dave Lewis; Commissioners Marilyn Meinke, Deanna Sheely, Scott Safe, Christopher Nelson, Kate Eiyndck

Commissioners Absent: Commissioner Samantha Tix Cardell and Council Liaison Dustin Schulenberg were absent.

Others Present: Brian Peterson, Planning Director/Staff Liaison; Steve Kohn, Assistant Planning Director; Dan Munson, Council Member; Dan Bender, Mayor; Rick Moskwa, Public Works Director; Lynn Nardinger, Deputy Director Public Works – Public Services; Darryl Heaps, SEH Project Manager; Kane Flett, Lab USA Corporation; John Neville, Ameresco Solar; John Andrews, GreenMark Solar

1. Call to Order

Chair Lewis called the meeting to order at 7:00 p.m.

2. Pledge of Allegiance

3. Motion to Excuse Absent Commission Members

A motion was made by Commissioner Eiyndck, seconded by Commissioner Meinke and unanimously carried, to excuse the absence of Commissioner Tix Cardell.

4. Approval of Agenda

A motion was made by Commissioner Meinke, seconded by Commissioner Sheely and unanimously carried, to approve the agenda.

5. Public Comment Period

No one came forward to speak on matters not listed on the agenda.

6. Approve Minutes of February 16, 2016, Planning Commission Meeting

Commissioner Sheely requested a minor correction, changing the word conducive to conducive on the last paragraph of Page 9. A motion was made by Commissioner Sheely, seconded by Commissioner Nelson and unanimously carried, to approve the meeting minutes as corrected.

At this point Chair Lewis reviewed the Public Hearing procedure.

7. Public Hearing: Conditional Use Permit and Minor Subdivision/Final Plat Approval request by the City of Red Wing Public Works Department, 229 Tyler Road North, Red Wing, Minnesota, and Xcel Energy, 801 East Fifth Street, Red Wing, Minnesota, to operate a Public Works Maintenance Shop and Yard on

the easterly portion of Outlot A of Tyler Hills Second Addition – Material Storage and Concrete/Asphalt Crushing Operation

Chair Lewis reported that a Public Hearing on this matter was conducted in February. The City Council discussed the issue and remanded it back to the Planning Commission for further review.

Planning Director Peterson provided additional background information regarding the CUP application and Minor Subdivision request by the City of Red Wing and Xcel Energy to operate a Public Works maintenance shop and yard on the easterly portion of Outlot A of Tyler Hills Second Addition. He pointed out the area under discussion on an aerial photograph. Purposes of the facility would include material storage and a concrete/asphalt crushing operation. Director Peterson apologized for the fact that the original Public Hearing notice should have included more information. He stated that a second Public Hearing was scheduled in order to provide an additional opportunity for public comment on this matter. Following this testimony, the Planning Commission will discuss the request and determine a recommendation to be forwarded to the City Council.

Director Peterson reviewed the proposal to relocate a Public Works Department material storage site and concrete/asphalt crushing operation from the Upper Harbor property near Bay Point Park to Outlot A. It is expected that the City would enter into a lease agreement with Xcel Energy for the property. He reviewed the location of the site, the proposed uses of the property, and the anticipated hours of operation. He discussed an area designated for a proposed ash recycling center and clarified that this proposal will be discussed during a separate Public Hearing later in the meeting. He discussed traffic and access considerations.

Director Peterson provided historical and current zoning information, stating that Agricultural Residential zoning does allow for Public Works maintenance and storage yard use. He reviewed a map of the Tyler Hills Second Addition and the proposed site plan. He discussed stormwater management and landscape planning. The buffer between the Outlot A property and the residential area was discussed.

The land use section of the Comprehensive Plan was discussed. The proposed use of the Outlot A property would be considered an Institutional Activity Center. Director Peterson reported that the Comprehensive Plan guides the idea that some Institutional Activity Center development could occur in this area.

Director Peterson reviewed answers to questions posed by citizens during City Council discussion of this topic.

1) There was a question raised with regard to whether an Environmental Assessment Worksheet will be completed for the proposed development.

Director Peterson reviewed State environmental rules in this regard. He stated that, although this type of project does not meet the threshold for requiring an Environmental Assessment Worksheet, the Planning Commission and/or City Council could consider environmental impacts during review of the proposal.

Commissioner Meinke inquired why the project does not meet this threshold and whether this is due to the size of the land area or the nature of the activity. Director Peterson indicated that this is due to the nature of the activity.

2) There were concerns raised about leachate or materials entering the water table as a result of the crushing operation.

The Public Works Department researched this concern. It was determined that the best management practice is to implement a stormwater management system, similar to that being proposed on this project.

3) There were concerns raised about noise from the crushing operation.

The proposal is to crush asphalt and concrete weekdays during daytime hours. The crushing operation would take place in the fall and would require approximately a month to a month and a half to complete. The consultant working with the Public Works Department, SEH, analyzed the sound issue. Decibel readings and duration were evaluated during the crushing operation. At 1,000 feet the highest decibel reading level was estimated to be 62 decibels, and at 2,000 feet this was estimated to be 56 decibels. Commissioner Einyck asked whether the study took into account decibel readings with the leaves on or off the trees. Director Peterson reported that this was a cursory analysis and did not take into account muffling of sound by trees or other topographic elements. The report indicated that the decibel readings would actually be less than those estimated by the analysis. Director Peterson reviewed decibel readings for comparison purposes. He stated that this sound would not be of a continuous duration. He reviewed performance standards pertaining to noise. Commissioner Sheely requested additional information related to the sound range. Director Peterson stated that the Old West Main area is approximately 1,200 to 1,500 feet from the current operation. He deferred to Public Works personnel with regard to questions pertaining to the duration and timing of past crushing operations.

4) There were concerns raised about dust from the crushing operation.

Director Peterson reported that the City has been operating this type of facility for more than a decade in the Upper Harbor area. No concerns have been raised with regard to dust issues resulting from the crushing operation at the current facility. He indicated his understanding that this is wet material and does not create significant dust. He added that the best management practice would be to wet this material down if dust issues arise.

Director Peterson referenced the Findings of Fact and suggested that additional information be considered as a result of Public Hearing testimony.

Recommended conditions of approval were reviewed:

- Approval of a lease with Xcel Energy will be required. The Tyler Hills Fourth Addition will not be recorded until the lease agreement is executed.
- The applicant will submit final grading, erosion, stormwater management, road, and utility plans.
- Outlot A will be considered an unbuildable lot unless it is platted in the future.

- If there is discontinuance of use by Public Works for more than one year, any new use would require a new Conditional Use Permit.
- Lot 1, Block 1, of Tyler Hills Fourth Addition will not be used for crushing operations on weekends or official holidays.
- The City will require a new Conditional Use Permit application prior to use of Lot 2, Block 1.

Director Peterson indicated that the applicant could provide additional information and/or answer questions related to the proposal.

Commissioner Sheely inquired with regard to the history of the current operation as opposed to the proposed future operation, including any differences in timing or other changes. Public Works Director Moskwa reported that the crushing operation has occurred for at least the past 15 years during different times of the year, but mostly in the fall. He provided rationale for moving this operation to the proposed site and described the types of materials that would be stored at this location. He discussed the analysis that was performed by SEH.

Commissioner Sheely asked whether other materials, besides construction project debris, would be stored or processed at this site. Director Moskwa stated that occasionally Public Works will take in other materials, such as clean concrete. He added that this material is crushed and re-used on other projects, at a cost savings to the City.

Commissioner Nelson inquired with regard to the crushing equipment and whether this is older equipment. Director Moskwa clarified that a third party brings in the crusher and processes the materials. He described the crushing equipment that has been utilized in the past. Commissioner Nelson asked whether newer equipment would be utilized in the future. Director Moskwa commented that in his experience this equipment is replaced infrequently.

Chair Lewis asked the SEH consultant to provide comment. SEH Project Manager Darryl Heaps introduced himself. Chair Lewis requested more detail regarding the sound analysis. Mr. Heaps reported that only a cursory review of sound versus distance was requested by the City at this point. Sounds were recorded at various distances, and SEH utilized these recordings in its analysis. He stated that this analysis did not take into account attenuation or various other factors, such as atmospheric conditions, differences in elevation, or tree coverage. He reported that the analysis did correlate with some of the sound readings obtained by the City, providing verification of this information.

Chair Lewis opened the Public Hearing at 7:38 p.m.

Theresa Walsworth stated that she and her husband own a plot of land on Cougar Court just south of the proposed facility. She detailed her experience as an educator. She commented that one of the reasons for purchasing this property was

the fact that it is located in a quiet area. She described a measurement from the point on the outside of the facility to where they plan to build a home, calculated at just over 800 feet. She compared this measurement to a similar measurement from the present facility to the Pottery Building, calculated at approximately 826 feet. She provided a definition of ambient noise and utilized a double bubble map tool to compare and contrast the noise levels at these two locations.

Brian Knapp reported that he is in the process of building a home at 3065 Cougar Court. He stated that he has worked in manufacturing for about 15 years. He stated that one of the critical parts of his job pertains to employee health and safety. He referenced an OSHA standard of 85 decibels for a hearing conservation program. He stated that, although the study results appear to demonstrate sound levels below this threshold, his employer, Capital Safety, requires an action plan for noise levels greater than 70 decibels over an extended period of time. He commented with regard to the number of young families in the Cougar Court area. He asked that this information be taken into consideration.

George Noesen, 2895 Cougar Court, Red Wing, reported that he and his wife built a home at the end of the cul-de-sac about two years ago. He expressed concerns related to increased noise levels. He commented with regard to the current level of noise, including truck traffic and equipment used to push the ash around at the landfill.

Meg Walch, 1901 Red Fox Drive, Red Wing, commented with regard to the responsibility of the Planning Commission to gather information and compare it to the Comprehensive Plan in order to make a recommendation to the City Council. She expressed health concerns related to dust being released into the air and cited research in this regard. She stated that comparing the current location to the proposed location fails to address the issue that compromising health, the environment, and the value of residential areas should be avoided.

Mark Walsworth, owner of a lot at the end of Cougar Court, presented the situation as a case study to illustrate this request from the perspective of a fictitious company, Acme Paving Products, coming to town and presenting a new facility proposal. He cited Minnesota Rule 7030-0030 pertaining to noise control, which establishes a lower threshold for noise levels. He also cited Red Wing Rule 100-L pertaining to dust control, Division 55-100 of the Red Wing City Code, Red Wing Ordinance 84A, and a new definition added last fall to Section 10-040 of the Zoning Code.

A motion was made by Commissioner Safe, seconded by Commissioner Eiyndck and unanimously carried, to close the Public Hearing. Chair Lewis closed the Public Hearing at 7:55 p.m.

Commissioner Sheely recommended providing an opportunity for Director Moskwa and Mr. Heaps to respond to the concerns that were raised. Director Moskwa reiterated that the noise levels, as identified in the report, meet the City standard.

He commented with regard to construction noise that occurs within the City in residential areas. Chair Lewis asked whether any dust studies have been done. Director Moskwa stated that no dust studies have been conducted. He added that this type of land use is allowed on this property as currently zoned. Commissioner Meinke inquired with regard to mitigation of dust and noise through the use of some type of covered operation. Director Moskwa reported that this type of operation cannot be performed inside a building and is commonly performed outside in many cities. He stated that, due to the nature and the size of the footprint, the installation of a cover would be cost prohibitive. He reported that the crushing operation could be moved behind the piles of material, creating a natural buffer. He added that the hillside and trees also provide natural buffering.

Commissioner Eiyndck inquired with regard to the topography of the area, specifically the elevation of Outlot A in comparison to the Cougar Court residential area. Mr. Heaps reported an elevation change of approximately 250 feet, with the crushing area being lower. Director Moskwa added that the crushing operation would be located as far to the east on the site as possible.

Commissioner Sheely requested clarification of Director Moskwa's statement about this being an approved use. Director Peterson clarified that this is an approved use with a Conditional Use Permit. Director Moskwa indicated that he should have stated that this area is zoned to allow this use with a Conditional Use Permit.

Commissioner Sheely commented that this use is allowed in an AR zone with a CUP. She inquired what zones would allow this use without a CUP and whether the City has researched other site options. Director Moskwa described challenges associated with locating a new site for this operation. He commented that the proposed site is desirable due to its proximity to a major road that is not a residential street. Commissioner Sheely inquired with regard to next steps, if the CUP application is denied. Director Moskwa stated that the current site would continue to be utilized until a new site is located. Director Peterson clarified that a Public Works Maintenance Shop and Yard is an allowed use with a Certificate of Compliance or an Administrative Permit in Industrial Districts and Commercial Districts. This is an allowed use with a Conditional Use Permit in Agricultural-Residential Districts and Mixed-Use Commercial Tourism Districts.

Commissioner Sheely asked whether there would be an option to add a condition of approval that noise levels at the proposed site would not exceed the existing noise levels at the current site. Director Moskwa stated that the operation is not changing, only the location. Commissioner Sheely commented that adding this as a condition of approval would discourage expansion of the operation. Director Moskwa indicated that the site would only be large enough to accommodate the City's needs. Commissioner Eiyndck inquired whether it would be detrimental to limit the size and scope of the proposed operation to not exceed the existing operation. Director Moskwa indicated that the proposed site is actually smaller than the current site. Commissioner Sheely suggested also adding conditions of approval of the CUP,

such as positioning of the equipment behind the piles of material and potentially spraying the material with water, to help mitigate noise and dust concerns. Director Moskwa commented that the piles of material will increase and decrease over time and will not exist at the beginning of the operation. Commissioner Eiynd commented that language could be crafted to reflect the variable nature of this. Commissioner Nelson referenced the other recommended conditions of approval.

Commissioner Safe inquired regarding the possibility of hauling the material directly to Luhman's Construction. He also inquired with regard to future plans for Outlot A. He expressed reservations about supporting the CUP request. Director Moskwa commented that Luhman's would not allow the material to be stored at their facility. He added that transporting the material would add significant cost in terms of both equipment and personnel. Commissioner Meinke inquired whether the proposed site could be utilized for material storage, with the crushing operation performed elsewhere. Deputy Director of Public Services Nardinger reported that approximately 3,000 to 4,000 yards of concrete and asphalt are crushed annually and that a truck can haul up to 10 yards. He commented that this would significantly increase hauling time, from the current 15-minute round trip to approximately an hour. Commissioner Eiynd added that this might actually result in increased truck traffic and noise.

Commissioner Eiynd commented that she reviewed the recording documents with regard to the conservation easement for Outlot A, which limits residential development in the area. Commissioner Meinke stated her understanding that Outlot A has been used for agricultural purposes and asked about future plans for Outlot A. Director Peterson clarified that Xcel Energy owns Outlot A. The proposal is for the City to lease Lot 1 and Lot 2. The newly created Outlot A, if the proposed Minor Subdivision is approved, will be owned by Xcel Energy. He added that any future proposals would require a review process by the City.

Commissioner Sheely inquired whether information referencing the amount of square feet reflects the footprint of the whole operation. Director Moskwa clarified that Lot 1 would be the City operation and Lot 2 would represent the operation to be discussed under Item #8. Commissioner Sheely inquired whether the City could approach the owner of property next to the Solid Waste Campus about a potential land sale, in order to move the Public Works operation to that location. Director Moskwa indicated that this site has been considered but would not be large enough and would have other challenges associated with it.

Chair Lewis expressed appreciation for the thorough discussion. He summarized resident concerns related to noise and dust and compared the proposed site with the existing site in terms of impact. He observed that the City has considered the matter extensively and is attempting to locate the facility in an area that mitigates the issues as much as possible and affects as few residents as possible. He discussed the challenges and factors involved in this decision.

Commissioner Nelson commented with regard to the amount of effort that was put into the process. Commissioner Eiyndck suggested working with staff to develop conditions of approval that would capture the intent and address some of the concerns, ensure that best practices are utilized, and incorporate language that would result in enforceable actions if necessary. She also recommended adding conditions of approval that would limit the size and scope of the operation.

Director Peterson reiterated that the size of the proposed site is smaller than that of the current operation and questioned the need to limit the size and scope of the operation. Director Moskwa commented that it would not be feasible to establish a size limit for the piles of material. He added that the site is limited by both its size and its topography. Director Peterson commented that the size of the operation in terms of its footprint could be utilized to limit its expansion. Commissioner Sheely asked about opportunities to create additional buffering, such as planting trees, to help mitigate dust and noise. Director Moskwa reported that there is a lot of rock underneath the top soil, stating that he could not guarantee that trees would grow in this area. Commissioner Meinke inquired with regard to tree removal. Director Moskwa indicated that trees would be removed in order to create a stormwater pond and a roadway. Commissioner Meinke suggested that perhaps these trees could be replaced elsewhere on the property. Director Moskwa commented with regard to the agricultural use of Outlot A. Director Peterson suggested investigating the possibility of planting trees on the south side of the property, adding that the soil conditions may limit this.

Chair Lewis commented with regard to the Planning Commission's responsibility to review whether the proposal fits with the Comprehensive Plan. Commissioner Eiyndck stated her opinion that the proposal generally seems to fit with the Comprehensive Plan, as documented in the Findings of Fact. She recommended that appropriate conditions be applied to mitigate some of the concerns that were raised during the Public Hearing. She stated that she could support a recommendation to approve the proposal, if appropriate conditions were applied.

Commissioner Meinke expressed appreciation for the comment that the Planning Commission's role is to assure that the proposal is consistent with the Comprehensive Plan. She stated that, although she really does not like the proposal, it does seem to fit with the Comprehensive Plan. She added that, if the proposal is recommended for approval by the Planning Commission, it should be accompanied by strong recommendations to the City Council with regard to consideration of the concerns that have been raised. She thanked residents and staff for their input.

Commissioner Sheely reiterated that this area is zoned Agricultural Residential and that the proposed use is only allowed with a CUP, as is the case in other parts of the City. She commented with regard to noise and dust concerns that have been raised along with discussion of potential ways these concerns could be managed. She commented on the valuable information that was presented during the Public

Hearing. She reiterated that the job of the Planning Commission is to decide whether the proposed use with a Conditional Use Permit is consistent with the Comprehensive Plan, stating that this appears to be the case. She recommended creating language for Council consideration related to monitoring and addressing concerns.

Chair Lewis summarized Commissioner comments, asking whether the Planning Commission would like to recommend a condition of approval related to utilizing best practices at all times in regard to dust and noise mitigation. Commissioner Sheely indicated her agreement with this recommendation and suggested that residents consider attending the City Council meeting during which the proposal will be further discussed. She recommended providing direction to staff to work on this language prior to the proposal being forwarded for Council review.

Commissioner Eiyneck summarized these issues as 1) limiting the size and scope, 2) mitigating noise concerns, and 3) perhaps adding an additional vegetative buffer.

A motion was made by Commissioner Eiyneck, seconded by Commissioner Nelson, to accept the staff recommendation and recommend approval of the Conditional Use Permit and Minor Subdivision/Final Plat request, subject to conditions #1 through #7, as well as the addition of conditions as discussed, including #8, limiting the size and scope of the operation to similar to that of the existing operation, #9, that best management practices be maintained, with the location of the crushing equipment specifically behind any material buffer that might become available, and #10, the addition of a vegetative screen/buffer if possible. A vote was taken, and the motion passed by a vote of 5:1, with Commissioner Safe voting nay.

8. Public Hearing: Conditional Use Permit (CUP) request by the City of Red Wing Public Works Department, 229 Tyler Road, Red Wing, Minnesota, and Xcel Energy, 801 East Fifth Street, Red Wing, Minnesota, for a Conditional Use Permit to sublease property to a subcontractor (Lab USA Corp.) that will operate a Public Works Maintenance Shop and Yard – Material Processing Facility, on the property currently known as Outlot A of Tyler Hills Second Addition – Material Processing Facility – processing of ash to recover and recycle metals

Chair Lewis provided background information with regard to the proposal. Director Peterson provided additional details, indicating that this request also involves property currently known as Outlot A of Tyler Hills Second Addition, owned by Xcel Energy. The proposal involves an application by the City and Xcel Energy to develop Lot 2 for a material processing facility, processing ash to recover and recycle metals. He pointed out the location of this site on a map. The metals processing plant would be located on Lot 2, which is an approximately 3.39 acre site. The proposed project includes a 22,000 square foot building with an office trailer. The recovery process will take place entirely within the proposed building. It is anticipated that the facility will generate about 24 trucks per day. The hours of operation are expected to be 7:00 a.m. to 5:00 p.m. Monday through Saturday

during the first year of operation, and thereafter 7:00 a.m. to 5:00 p.m. Monday through Friday. The same driveway would serve both this facility and the Public Works facility. Truck access was described. The City intends to lease Lot 2 to Lab USA Corporation. This company's state-of-the-art additive free process allows for the reclamation of both ferrous and nonferrous metals previously lost to traditional methods of resource recovery. The proposal is for Lab USA to undertake removal of metals from ash from the City's ash landfill and then later do the same thing with ash from Xcel Energy's ash landfill. Director Peterson commented that one of the original conditions of approval for the Xcel Energy ash landfill CUP was for there to be a continuous process to look at how ash could be processed and re-used. Stormwater management was discussed. The processing operation will be entirely within a building, which does have an open end to the north but will completely block noise to the west, south, and east. There is not expected to be a noise impact from the processing operation.

Recommended conditions of approval were reviewed:

- An executed lease with Xcel Energy.
- An executed agreement with Lab USA Corporation.
- Completion and recording of the re-plat prior to commencement of the project.
- Submission of final grading, erosion control, and stormwater management plans.
- If there is discontinuance of use by Public Works of Lot 1 and Lot 2 for more than one year, any new use would require a new Conditional Use Permit.

Director Peterson commented that other conditions of approval could be recommended by the Planning Commission.

Commissioner Eiyneck inquired whether truck traffic would be seasonal or continuous. Director Peterson deferred to others to address this question. Director Moskwa provided additional information related to the proposed operation. He added that the City's ash landfill is adjacent to Xcel Energy's ash landfill. He reported that the ash is currently located in the City's landfill. The ash would be trucked to the processing site, processed, and then trucked back to the landfill and compacted. He added that the City is working to close its landfill and enter the Minnesota Closed Landfill Program. The ash would be processed in order to shrink the site. It is estimated that it would take approximately one year to process the ash from the City's landfill. At that point Lab USA would begin processing Xcel Energy's buried ash and fresh ash.

Kane Flett from Lab USA provided additional background information. He reported that Lab USA is a wholly-owned subsidiary of CNIM Group, headquartered in Europe. He stated that the facility would process from 100,000 to 110,000 cubic yards per year of the Xcel Energy landfill ash. He explained that the City's ash is being processed to facilitate the City's landfill entering the Closed Landfill Program but is not really part of the Lab USA business model. He described the facility and the mechanical process used. Commissioner Sheely inquired with regard to noise

and dust. Mr. Flett stated that the ash itself is inherently wet, with a typical moisture content between 18% and 24%. It is therefore not anticipated that there will be any dust issues. If the ash is found to be dry, best practices would be utilized. Commissioner Meinke asked whether water is used in the process. Mr. Flett indicated that water is not used, except for dust control, reiterating that this is a purely mechanical process with no additives. Director Moskwa commented that water and sewer services would be brought to the site. Commissioner Meinke asked whether the ash pile would be smaller upon completion of processing. Mr. Flett reported that there would be a 3% to 6% reduction in volume. He addressed noise issues, stating the processing would be encapsulated inside a building but adding that there would be truck traffic as discussed.

Chair Lewis inquired with regard to the projected lifespan of the project. Mr. Flett provided information based on the volumes of available fresh and buried ash. He stated that it is expected to take about a year to process the ash from the City's landfill, and it is expected to take approximately 10 to 11 years to process the ash from the Xcel Energy landfill. After that period it may no longer be viable to keep the facility operating. Director Moskwa added that a 20-year lease agreement has been proposed. Mr. Flett stated that the building would remain on site following discontinuation of operations.

Commissioner Sheely asked whether the Sustainability Commission has evaluated the proposal. Director Moskwa commented that, although the proposal was not brought to the Sustainability Commission for a recommendation, the recycling aspect of the project would fit with their mission. Mr. Flett commented with regard to beneficial reuse of the processed ash as a construction aggregate, should there be a market for this material. Commissioner Nelson inquired with regard to the mechanical processing equipment. Mr. Flett indicated that the equipment involves mostly conveyor belts and magnets, which is all located within the building.

Chair Lewis opened the Public Hearing at 8:56 p.m.

Dan Bender, 1729 Red Fox Drive, Red Wing, stated that he is speaking as one of the neighbors who received the Public Hearing notice. He commented that this facility will process material for 12 years or longer and constitutes a much different operation than the occasional concrete crushing operation by the Public Works Department. He commented that this operation would be located even closer to the residential area than the Public Works facility. He stated his opinion that there are far too many unanswered questions to offer a recommendation at this time. He stated his understanding that the facility would be open-ended, but it turns out that one entire side would be open and that the facility is really not enclosed. He commented that, if there is any dust generated, he is not certain what would keep this from getting outside. He expressed potential health concerns related to dust coming off ash in a metal recovery facility. He stated that there are unanswered questions about dust and emissions of unknown particulates. He expressed concerns with regard to increased truck traffic and noise. He stated that he was told

of the existence of a video that would help explain the operation but has not seen this video. He discussed concerns related to ground water, commenting that homeowners in this neighborhood have their own wells and septic systems. He commented that the existing ash landfill is lined and expressed concerns regarding the temporary storage of ash at this facility. Due to the number of unanswered questions and environmental concerns, he strongly recommended that the proposal be reviewed by the Sustainability Commission prior to any further action.

Chair Lewis asked whether the Lab USA representative could provide more clarity with regard to the proposed operation. Project Manager Darryl Heaps from SEH reported that the facility would be regulated under Minnesota Solid Waste Rules, which deal with air, ground water, and other issues related to solid waste. He provided additional details related to the building structure and layout. He clarified that the processing equipment area will be fully contained and that there will be doors or open areas on the ends of the building on the north side for receiving trucks.

Commissioner Eiyneck asked whether there was a feasibility study conducted with regard to locating this facility on the Xcel Energy landfill site. Mr. Flett stated that Xcel Energy preferred a separate facility. Commissioner Eiyneck requested a rendering of the building.

Commissioner Sheely requested more information related to the ground water issue, specifically the elevation of the residential area, the elevation of the operation, and the depth of the residential wells in proximity to the operation. Mr. Heaps commented that a water study was not conducted. Director Moskwa clarified that this would be a contained operation and that any waste water generated would flow into the sewer system and would be processed at the City's waste water treatment plant.

Mr. Flett clarified that there would be no exposed ash stored at the facility and that it would be covered. He reviewed photographs depicting a similar operation in Washington State. Chair Lewis asked how many people would be working at the site. Mr. Flett reported that the facility is anticipated to employ five full-time benefited positions. Mr. Heaps commented with regard to an air quality modeling study that was conducted, adding that air quality inside the building will be monitored. Director Moskwa added that Lab USA is working with the Minnesota Pollution Control Agency with regard to this project and other projects in Minnesota. Chair Lewis expressed appreciation for the additional background information.

Commissioner Meinke inquired with regard to the permitting process and the requirement for completion of an Environmental Impact Statement (EIS) or Environmental Assessment Worksheet (EAW). Mr. Heaps indicated that this type of facility would not require this.

Commissioner Nelson commented with regard to the 3% to 6% reduction in the ash volume from metal content and asked about the revenue from this. Director Moskwa commented that the City and Xcel Energy would receive revenue payments based on the number of tons of ash processed. The agreement would also include a processing fee. If the project moves forward, the City's agreement would be made public.

Brian Knapp, 3065 Cougar Court, Red Wing, commented regarding a recent newspaper article about a similar facility proposed in the Pope-Douglas County area, stating that the operation was called a mining operation. He asked if the zoning on this property allows for mining to take place. Director Peterson commented that the zoning in that district does not allow for mining. He stated that the proposed operation has been defined as processing of material, adding that this operation would not fit the definition of mining as defined in the City Code. Mr. Flett stated that the newspaper article referred to this as a mining operation but that the company considers this operation to be material handling and processing and not mining. Chair Lewis summarized the process as digging into an existing ash pile, transporting the ash to the facility, processing the material, and then bringing the processed ash back to the original location.

Theresa Walsworth referenced the Comprehensive Plan with regard to Conditional Use Permits, citing "The conditional use will not be injurious to the use and enjoyment of other property in the vicinity and will not impede on the normal and orderly development and improvement of surrounding property for uses permitted in a district or substantially diminish property values." Ms. Walsworth asked Commissioners to ponder whether they would want to build a house on the lot she and her husband own or buy a house that surrounds this lot. She provided additional details with regard to the proposed facility in the Alexandria area, stating that this site is more than 2,300 feet from the closest resident. The site is located on a 40-acre parcel approximately 20 miles from town. She suggested visiting the facility in Washington State prior to moving the project forward. She has researched this site, stating that it is rather remote, surrounded by mountains, and is located on 915 acres, of which 33 acres contain ash. The person she spoke with at this site reported that operations are set to begin in a few weeks and that the nearest home is a few miles away. Ms. Walsworth discussed a facility in Portland, Maine, called Ecomaine that has been mining ash for the larger particles since 2011. The Ecomaine facility sits on 260 acres of land, including 140 acres of landfill, surrounded by commercial and industrial areas. According to the manager with whom she spoke, the nearest resident is more than 1,500 feet from the facility. This manager commented regarding significant dust produced by the operation, including by the trucks hauling the ash. She discovered in her research that so-called fugitive dust is known to be a health hazard. She again asked Commissioners whether they would build on this site or buy a house in this area.

Mark Walsworth directed a question to Director Peterson. He inquired regarding the definition of resource extraction per the City of Red Wing and whether the process of

extracting metals from ash meets this definition. Director Peterson stated his opinion that the process of extracting metals from ash would not meet this definition. He quoted from the definition, stating that this would not be considered a quarry, gravel pit, or mining operation. Mr. Walsworth referenced the City Zoning Code, Division 55-250, which prohibits resource extraction activities within a 500-foot radius of any residential or farm well. He added that these types of activities would be injurious or substantially annoying to persons living within 600 feet of facility lot lines, stating that this concern has not been addressed by the CUP process. He pointed out that issues related to dust control, emissions control, noise control, ground vibration, odor, and resident impacts have also not been fully addressed. He commented that metal extraction is a relatively new process in the United States, adding that the technology has not been widely adopted. His research has uncovered no facilities located within cities or towns. He suggested waiting to let the technology develop prior to moving forward with this type of operation.

Mr. Flett commented that the process used by Ecomaine is a fundamentally different process than the one used by Lab USA. He reiterated that that ash has an approximately 20% moisture content, expressing confidence that there would be no dust issues. He commented that the only ground vibration issues would pertain to the truck traffic. He commented that any emissions would result from truck traffic but not from the processing equipment. Chair Lewis inquired with regard to fugitive dust during transport of the ash material. Mr. Flett commented with regard to operations that are currently going on in the landfills. Chair Lewis commented with regard to material that falls on the ground during transport and dries out and inquired with regard to dust mitigation. Mr. Heaps commented that a dust control mitigation plan would be part of the permitting process.

Mr. Flett commented with regard to the state-of-the-art technology employed by his company, even though this is new to the United States.

Meg Walch, 1901 Red Fox Drive, Red Wing, asked whether this process is being run currently within a close proximity to residential areas and the zoning in these areas. Mr. Flett stated that his company is not currently operating such a facility, adding that facilities are located in close proximity to ash landfills.

Chair Lewis asked about involvement by the Sustainability Commission, as recommended by Mayor Bender. Director Peterson commented that the Zoning Code is quite specific with regard to how zoning matters are managed. He added that the City Council could request a recommendation from the Sustainability Commission with regard to the proposal, separate from the zoning matter. He added that this review could be conducted in a parallel manner.

Liz Knapp, 3065 Cougar Court, Red Wing, commented with regard to the beautiful view from the back of the home they are constructing. She expressed concerns related to industrial activity, traffic, and upheaval in her neighborhood. She asked the Commissioners and the presenters to think about what they would do if they

lived in her neighborhood. She commented that she is passionate about ensuring the health and safety of her family and members of the community.

Peg Noesen, 2895 Cougar Court, Red Wing, commented with regard to potential impacts on the hospital facility, daycare facility, and dental clinic in the area. She suggested further investigation and review of this proposal.

Bernie Walch, 1904 Red Fox Drive, Red Wing, asked what portion of the ash would be generated in Red Wing. He expressed concerns that ash would be brought in from other communities to extend the lifespan of the facility. He also commented with regard to the potential for negative impacts on residential property values.

Chair Lewis suggested researching potential property value impacts. He stated that he has a lot of questions with regard to the proposal and would appreciate more information.

A motion was made by Commissioner Nelson, seconded by Commissioner Meinke and unanimously carried, to close the Public Hearing. Chair Lewis closed the Public Hearing at 9:39 p.m.

Commissioner Eiyneck stated that on first glance the proposal appeared to be consistent with some of goals of the Comprehensive Plan related to sustainability. She commented, after hearing all of the information that was presented, that it now feels like a bridge too far. She commented that this would be a very intensive use of the land. She inquired again about the feasibility of locating the facility closer to the ash landfill site, which would lessen some of the truck traffic and help mitigate some of the other concerns. Chair Lewis stated that the process feels a little rushed but expressed appreciation for the information provided. He suggested gathering more information. Commissioner Sheely requested clarification regarding the scope of the recommendation being requested in terms of whether this project is acceptable with a CUP and in compliance with the Comprehensive Plan in this area. Chair Lewis commented that this is always the mission of the Planning Commission. Commissioner Meinke commented that she is unclear with regard to the risks and benefits of the proposal at this point. Commissioner Nelson stated his opinion that the process is being rushed and indicated that he would not be comfortable with supporting the proposal at this time. Director Peterson clarified the scope of the Planning Commission's recommendations. He asked what additional information could be provided or what questions still need to be answered.

Commissioner Eiyneck suggested consideration of tabling action on this item. She indicated that she would like more information with regard to the ash hauling process and how it is handled both at the site and during transport. She referenced the Findings of Fact #1, ensuring that the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Director Moskwa commented with regard to handling of the ash, stating that this process would be the same as it is right now,

other than transport of the ash from the landfill to the processing facility and back. He stated that the ash would be transported via a private road not traveled by citizens. He added that dust mitigation could be addressed by conditions of approval of the CUP. He discussed the types of trucks that would haul the ash.

Commissioner Safe inquired with regard to cleaning up the ash in the existing landfills. Director Moskwa and Mr. Flett provided additional information related to ash volumes. Chair Lewis expressed agreement with the goal but indicated that he does not have enough information to make a determination with regard to the proposed facility. Commissioner Safe expressed concerns related to the location of this facility as well as the Public Works facility.

Commissioner Nelson asked what would happen if the proposal does not move forward. Director Moskwa provided information related to the City landfill and the plan for this to enter the Closed Landfill Program. He stated his understanding that the Xcel Energy landfill is permitted through approximately the year 2020.

Commissioner Sheely asked what additional information would be helpful for Commissioners. Chair Lewis stated that data from other similar facilities would be beneficial. He stated that information related to potential property tax impacts and how the current landfill has affected property values in the area would be helpful. He added that more information regarding fugitive dust would be helpful.

Commissioner Meinke expressed concerns related to Findings of Fact #1 and issues around endangering public health, comfort, and general welfare. She stated agreement with the goal of recycling the metals, but questioned the potential for unintended consequences. Commissioner Eiyndck expressed agreement with Commissioner Meinke's comments.

Director Peterson reviewed options available to the Planning Commission:

- Recommend approval of the CUP request.
- Recommend approval of the CUP request with conditions.
- Recommend denial of the CUP request.
- Table discussion of the CUP request until additional information is provided.

Director Moskwa asked what specific information would be requested, such as an air quality report. Chair Lewis asked whether the current air quality could be compared with the future air quality. Mr. Heaps reported that an air quality modeling study of the processing facility, including the truck traffic, was conducted, which showed that there would no industrial permits required for the facility, as all of the results were well below the limits. Director Peterson commented that Xcel Energy monitors the existing landfill operation and that this information could be obtained.

Commissioner Eiyndck asked whether the Public Hearing should be formally reopened. Director Peterson indicated that it is the Chair's prerogative to accept public input outside of the formal Public Hearing.

Mark Walsworth, Cougar Court, suggested requesting at least three case studies of at least one year in duration of operations that have been ongoing, as a starting point for background in terms of the whole operation. Chair Lewis commented that this type of information would be beneficial.

Commissioner Eiyndck commented that she would like to better understand the status quo and compare how this change would affect the status quo. She commented with regard to the increased truck traffic and suggested discussing conditions that would help mitigate this concern.

George Noesen, 2895 Cougar Court, Red Wing, asked Commissioners to visit the site and the neighborhood.

Commissioner Meinke asked whether a motion to table the discussion is needed. Commissioner Safe commented that, if the discussion is tabled, there should be specific questions that should be researched. Director Peterson commented that he has adequate information in this regard.

A motion was made by Commissioner Meinke, seconded by Commissioner Eiyndck and unanimously carried, to table this item until the next Planning Commission meeting, in order to allow staff to gather more specific information related to the CUP request.

Chair Lewis thanked participants for their input. At this point a brief break was requested. Chair Lewis reconvened the meeting at 10:14 p.m.

9. Public Hearing: Variance request by Leonard Kron, 1008 South Park Street, to allow a 4.5 foot side yard setback for a detached garage addition and to allow the size of the garage to total 1,062 square feet

Chair Lewis reviewed the variance request. Assistant Planning Director Kohn provided background information. The applicant is requesting a variance for a garage addition that has already been constructed. He noted that the garage was substantially completed without the issuance of a building permit as a result of miscommunication between the property owner and the contractor. The property lines were unable to be determined, so a survey was completed. The setback is approximately 0.4 feet short of the required 5-foot side yard setback. The garage is also slightly larger than normally allowed in the R2 District. Assistant Director Kohn pointed out the area under discussion on an aerial photograph. He commented that the property is unique in the sense that the driveway serves four properties. Letters of support of the variance request have been received from two of these three neighbors. Findings of Fact were reviewed. Although the circumstances are unfortunate, staff does recommend approval of the variance request. It is recommended that the building permit fee be doubled, as allowed per State Code, to cover the extra work by staff and to discourage others from proceeding similarly. Commissioner Nelson inquired with regard to the fire wall. Assistant Director Kohn

discussed fire wall requirements adopted with the new Building Code, stating that this does not affect the variance request.

Commissioner Sheely asked how the garage addition came to the attention of the Planning Department. Assistant Director Kohn reported that a call was received by the Building Official from a resident, asking whether a building permit had been issued for this structure. The Building Official investigated the situation, determined that a building permit had not been obtained, and issued a Stop Work Order. Commissioner Sheely inquired which property owners submitted letters of support. Assistant Director Kohn pointed out these properties on the aerial photo. Commissioner Sheely asked whether the other neighbors are supportive of the variance request. Director Peterson reported that all property owners within 500 feet received the Public Hearing notice. Commissioner Sheely asked what outreach the City of Red Wing does on an ongoing basis to inform property owners and contractors with regard to the requirements. Assistant Director Kohn stated that it is well known that building permits are required. He added that both the applicant and the contractor were aware of this requirement, but reportedly each thought the other had obtained the permit. He stated that this information is available on the City website or from the Building Official. Commissioner Sheely inquired with regard to the recommendation to double the building permit fee, and Assistant Director Kohn explained the formula for determining the building permit fee and provided rationale for the recommendation to double this fee. Commissioner Safe expressed agreement with the staff recommendations. Assistant Director Kohn added that the Building Official will ensure that the garage addition is constructed correctly. Commissioner Eiyneck expressed support for recommending approval of the variance request.

Chair Lewis opened the Public Hearing at 10:25 p.m.

Leonard Kron, 1008 South Park Street, Red Wing, stated that he is the applicant. He apologized for the miscommunication related to the building permit. He clarified that the surveyor's report concluded that the new garage stall was plus or minus 0.4 feet within the required setback. He commented that the garage structure was built into a hill and stated that he spoke with his neighbors regarding the garage addition. He stated that he designed the structure to fit with the character and flow of the neighborhood. Commissioner Safe asked Mr. Kron whether he hired a local licensed contractor. Mr. Kron indicated that the contractor was not local.

No one else came forward to speak regarding the variance request. A motion was made by Commissioner Safe, seconded by Commissioner Sheely and unanimously carried, to close the Public Hearing. Chair Lewis closed the Public Hearing at 10:35 p.m.

Commissioner Sheely commented that she likes to encourage property owners, especially those in this area, to make improvements. She also commented with

regard to the need to adhere to City ordinances and expressed agreement with the recommendation to double the building permit fee.

A motion was made by Commissioner Eiyndck, seconded by Commissioner Meinke and unanimously carried, to recommend approval of the variance, with the Findings of Fact and agreement with the staff recommendation to double the building permit fee.

10. Public Hearing Request by Conditional Use Permit request by GreenMark Solar, LLC, 4626 Emerson Avenue South, Minneapolis, Minnesota, to construct and operate a 5 megawatt Community Solar Garden on approximately 29 acres of farmland south of Mill Road and east of Old Highway 19 in Red Wing on property owned by Thomas and Renae Bryan, 6380 Leeson Lane

Chair Lewis reviewed the CUP request by GreenMark Solar. Assistant Director Kohn provided background information. He pointed out the area of discussion on a map. He reported that all of the power generated will be brought back down underground to meters and transformers. The actual transmission lines for Xcel Energy already exist on the north side of Mill Road. The site would consist of five small solar gardens, totaling up to 5 megawatts. Assistant Director Kohn commented that the site is isolated from homes and adjacent major roadways. Aesthetic considerations and vegetative cover were discussed. There is no requirement for stormwater ponds or stormwater management on this site, other than the vegetative cover. Erosion control was discussed. It is recommended that a condition of approval be added to allow inspections by the City, monthly for the first six months and then biannually over the first two years, to ensure that the vegetation is growing adequately and that there are no drainage issues. Assistant Director Kohn commented with regard to State inspection requirements. Suggested Findings of Fact were reviewed. Assistant Director Kohn stated that the proposal is consistent with the Comprehensive Plan in terms of renewable energy, and the site appears to be a good location for this use. Stormwater management concerns have been discussed. There is anticipated to be little impact on surrounding properties. Approval of the CUP has been recommended by staff, with the condition of approval as discussed.

Commissioner Sheely inquired with regard to the scheduling of inspections. Assistant Director Kohn stated that staff and the applicant would collaborate on the scheduling of inspections. Commissioner Lewis spoke in support of solar projects. Assistant Director Kohn added that the expected life of a solar garden is approximately 30 years, which parallels the warranty on the solar panels. Once the solar garden is decommissioned, all improvements would be removed from the site and the property would revert back to the property owner as farmland. He clarified that the applicant is not purchasing the property but entering into a long-term lease for the life of the solar garden.

Chair Lewis opened the Public Hearing at 10:50 p.m.

Dennis Egan, owner of a consulting firm, Egan Public Affairs, stated that he has worked with GreenMark Solar for approximately the last year to identify potential solar garden sites in the Red Wing and Goodhue area. He introduced representatives from Ameresco Solar and GreenMark Solar. He commented that Ameresco Solar and GreenMark Solar have a history of working together on solar projects. He stated that the plan is to construct the solar garden later this year.

Commissioner Nelson asked about a decision by the Minnesota Public Utilities Commission related to the size of solar gardens. Mr. Egan reviewed the initial legislation and the subsequent decision to limit the total size of a solar garden on a geographic site to 5 megawatts.

Commissioner Nelson inquired with regard to road access. Mr. Egan provided additional information related to road improvements. John Neville from Ameresco Solar provided additional background information with regard to the companies involved, the proposed solar garden project, and the pollinator-friendly grass cover.

Commissioner Eiyndck inquired with regard to DNR involvement related to the pollinator-friendly seed mix. Mr. Neville stated that they are working with the DNR on vegetation selection. Mr. Egan stated that local contractors will be utilized on local solar garden projects and commented further with regard to drainage issues. Chair Lewis commented regarding the potential of actually improving drainage issues.

No one else came forward to speak regarding the CUP request. A motion was made by Commissioner Safe, seconded by Commissioner Nelson and unanimously carried, to close the Public Hearing. Chair Lewis closed the Public Hearing at 11:00 p.m.

A motion was made by Commissioner Meinke, seconded by Commissioner Eiyndck and unanimously carried, to recommend approval of the Conditional Use Permit request, with the recommended condition of approval concerning inspections.

11. Barn Bluff Master Plan Status Report

Director Peterson provided an update with regard to the Barn Bluff Master Plan. An on-site public outing is planned for late April or early May. He will provide further updates regarding the project.

12. Status Report

Director Peterson highlighted the following topics from his report:

A. Zoning Recodification.

Director Peterson reported that this item will be added to the April meeting agenda.

B. Red Wing Golf Course Discussion.

Director Peterson commented with regard to this discussion.

C. Proposed Gun Range.

Director Peterson commented with regard to this proposal. He commented that current zoning does not allow a gun range in a light industrial district, so zoning changes would be required.

13. Commissioner Concerns

There were no Commissioner concerns.

14. Adjournment

A motion was made by Commissioner Nelson, seconded by Commissioner Eynck and unanimously carried, to adjourn the meeting. Chair Lewis adjourned the meeting at 11:03 p.m.