

**INVER GROVE HEIGHTS  
PLANNING COMMISSION AGENDA**

Tuesday, September 21, 2010 – 7:00 p.m.  
City Council Chambers - 8150 Barbara Avenue

1. **CALL TO ORDER**
  
2. **APPROVAL OF PLANNING COMMISSION MINUTES FOR SEPTEMBER 7, 2010**
  
3. **APPLICANT REQUESTS AND PUBLIC HEARINGS**
  - 3.01 **CITY OF INVER GROVE HEIGHTS – CASE NO. 10-20ZA –  
tabled from 8-17-10**  
Consider an Ordinance Amendment prohibiting new outdoor boilers and establishing performance standards for existing outdoor wood burners/boilers.  
  
Planning Commission Action \_\_\_\_\_
  
4. **OTHER BUSINESS**
  - A) Housing taskforce final report update
  - B) Update on variance review criteria – Tim Kuntz, City Attorney
  
5. **ADJOURN**

## PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, September 7, 2010 – 7:00 p.m.  
City Hall Chambers - 8150 Barbara Avenue

Chair Bartholomew called the Planning Commission meeting to order at 7:00 p.m.

Commissioners Present: Tom Bartholomew  
Paul Hark  
Dennis Wippermann  
Harold Gooch  
Pat Simon  
Damon Roth  
Mike Schaeffer  
Tony Scales

Commissioners Absent: Christine Koch

Others Present: Tom Link, Community Development Director  
Allan Hunting, City Planner

### **APPROVAL OF MINUTES**

The minutes from the August 17, 2010 meeting were approved as submitted.

### **STEININGER, INC. – CASE NO. 10-12CIA**

#### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for an ordinance amendment for a ten year extension to the existing Sand and Gravel Overlay Zoning district, and a Conditional Use and Interim Use Amendment for the continued operation of a contractor's yard and mining operation, for the property located at 11305 Clark Road. 8 notices were mailed.

#### **Presentation of Request**

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant received the original Sand and Gravel approval in 1999. A Conditional Use Permit was also approved for the processing of sand and gravel and recycled concrete and asphalt. The applicant is now requesting a ten year extension; however, staff is recommending only a five year extension. The applicant is also requesting an Interim Use Permit (IUP) extension to allow outdoor storage on the east side of the property. He advised that the ordinance allows just a one-time extension for an interim use permit. The applicant is requesting a ten year extension; however, staff recommends only a five year extension. Staff recommends approval of Alternative A in the report which allows for the temporary Sand and Gravel Zoning District, Conditional Use Permit Amendment, and an Interim Use Permit Extension for a period of **five** years, with the conditions listed in the report, for the property located at 11305 Clark Road.

Commissioner Gooch asked what would happen if the applicants got only a five year extension but were not yet mined out.

Mr. Hunting replied that the applicants could request another extension as the one-time extension applied only to the IUP for outdoor storage.

Commissioner Simon questioned why the Environmental Commission had not reviewed the request prior to Planning Commission review.

Mr. Hunting replied it was just a matter of the timing of the process. He stated that staff did not foresee any issues with the use or impacts on surrounding properties since there were no proposed changes to the site.

Commissioner Simon asked if staff received any complaints regarding outdoor storage on the site, to which Mr. Hunting replied they had not received complaints of any kind for this operation.

Commissioner Simon asked if staff had inspected the site for compliance with the conditions.

Mr. Hunting replied that both Planning and Engineering staff visited the site. As a result of that visit, a few engineering issues were discovered and the applicant is working to correct those.

### **Opening of Public Hearing**

Vance Grannis Jr., 9249 Barnes Avenue, representing the applicant, stated the letter he submitted to the Planning Commission explains their justification for a ten year extension versus a five year. He advised that all engineering issues have already been corrected.

Chair Bartholomew asked if the applicant was in agreement with the conditions listed in the report, to which Mr. Grannis replied in the affirmative, with the exception of any reference to a five year extension versus a ten year extension.

### **Planning Commission Discussion**

Commissioner Roth stated he supported a ten year extension for the IUP for outdoor storage, and noted there was a mini-storage facility in close proximity to the subject property.

Chair Bartholomew advised he supported a ten year extension on the IUP for outdoor storage as well as for the sand and gravel, stating it was somewhat misleading to contend that a ten year permit would be a disincentive to sell the property.

Commissioner Schaeffer stated he supported a ten year extension on all requests as well, stating hopefully in ten years the economy will have improved and sale of the property will be more likely.

Commissioner Wippermann stated he supported a ten year extension as well with the rationale being the reasons stated in Mr. Grannis's letter.

### **Planning Commission Recommendation**

Motion by Commissioner Simon, second by Commissioners Scales and Schaeffer, to approve the request for an ordinance amendment to extend the existing Sand and Gravel Overlay District, a Conditional Use Permit Amendment for the continued processing of sand and gravel, recycled concrete, and asphalt, and an Interim Use Permit extension to allow a temporary contractors yard with outdoor storage, with a change to conditions to allow for a **ten** year extension, for the property located at 11305 Clark Road..

Motion carried (8/0). This item goes to the City Council on September 27, 2010.

## **ALLIED WASTE RECYCLERY – CASE NO. 10-30CA**

### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a Conditional Use Permit Amendment to amend the approved site plan to allow an expanded asphalt area to connect the two entrances, with the conditions listed in the report, for the property located at 2795 – 117<sup>th</sup> Street. 5 notices were mailed.

### **Presentation of Request**

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the request is to modify circulation along the front of the building by adding asphalt to provide better semi-truck circulation. He stated the proposed change would provide improved traffic safety by moving trucks onto the site for queuing rather than on 117<sup>th</sup> Street. The applicant is not proposing any operational changes as part of this request. Staff recommends approval of the request with the conditions listed in the report.

### **Opening of Public Hearing**

Vince VanderTop, civil engineer representing Allied Waste, stated he was available to answer any questions.

Chair Bartholomew asked if the applicant was in agreement with the conditions listed in the report, to which Mr. VanderTop replied in the affirmative.

### **Planning Commission Recommendation**

Motion by Commissioner Gooch, second by Commissioner Simon, to approve the request for a Conditional Use Permit Amendment to amend the approved site plan connecting the two entrance points, for the property located at 2795 – 117<sup>th</sup> Street, with the conditions listed in the report.

Motion carried (8/0). This item goes to the City Council on September 27, 2010.

### **OTHER BUSINESS**

Tom Link, Community Development Director, gave a summary of the Regional Roadway System Visioning Study recommendations which were recently adopted by the City Council. He explained that the study was done by SRF and is a long-term plan for transportation improvements for this part of the County. The study analyzes the impacts that future growth in Inver Grove Heights, Eagan, and surrounding cities will have on local and regional transportation systems, and projects out to 2030 and beyond. He advised that after looking at five different alternatives, the governmental agencies involved preferred Alternate E which proposes, among other things, a new interchange at I-494 a half mile east of the current Argenta/Delaware bridge. He stated this location would not only support future development in that area but would also avoid impacting existing residential and environmental areas, as well as relieving some of the burden on the 149 interchange. He advised that this alternative also includes a realignment of Argenta Trail which results in Argenta Trail going straight north from 70<sup>th</sup> Street rather than diagonally northwest. He stated Argenta Trail is anticipated to be widened to four lanes and eventually six. Alternative E also includes a high volume intersection or interchange at Highway 55 and Argenta Trail which would support future traffic volumes and eliminate traffic safety hazards. He advised that construction of any of the proposed interchanges would likely be a 5-10 year process.

Commissioner Simon asked for clarification of the proposed realignment of Argenta Trail and its impact on the existing homes on Argenta Trail.

Mr. Link replied that most of the current alignment of Argenta Trail south of 70<sup>th</sup> would remain the same. The new alignment would start just south of 70<sup>th</sup> Street and would run east of the existing residential neighborhood and would therefore not affect any of the front yards of the existing

homes.

Commissioner Simon asked what would happen with the existing Argenta Trail.

Mr. Link stated that decision has not yet been made, however, they would likely 1) leave the existing Argenta Trail as a through street which would connect with 70<sup>th</sup> Street on the south, 2) cul-de-sac the existing Argenta Trail on the north with access to 70<sup>th</sup> Street from the south, or 3) cul-de-sac it on the south with access from the north.

Commissioner Simon asked for clarification of the Argenta Trail alignment near the MGT development.

Mr. Link replied that the new 80<sup>th</sup> Street extension would 'T' into Argenta Trail. He added that the City Council recently approved a contract for a study to be done of the collector street system in the Northwest Area which will identify the most desirable future alignments.

Commissioner Hark asked what the difference was between a high volume/high capacity intersection and an interchange, to which Mr. Link replied that an interchange has a grade separation whereas an intersection does not.

Allan Hunting, City Planner, advised that a work session is scheduled on September 21 from 5:45–6:45 in the City Council Chambers. The Commissioners will hear a presentation from a representative from the League of Minnesota Cities regarding various legal issues.

Mr. Hunting advised that City staff will meet with the City Attorney to discuss the recent Supreme Court ruling on variances. That information will then be forwarded on to the Planning Commission.

#### **ADJOURNMENT**

Chair Bartholomew adjourned the meeting at 7:45 PM.

Respectfully submitted,

Kim Fox  
Recording Secretary

**PLANNING REPORT  
CITY OF INVER GROVE HEIGHTS**

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**REPORT DATE:** September 15, 2010

**CASE NO:** 10-20ZA

**HEARING DATE:** September 21, 2010

**APPLICANT:** City of Inver Grove Heights

**REQUEST:** Outdoor Wood Burners

**REVIEWING DIVISIONS:** Planning  
City Attorney

**PREPARED BY:** Heather Botten  
Associate Planner



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**BACKGROUND**

The Planning Commission has held two public hearings regarding Outdoor Wood Burner/Boilers (OWBs) on July 6 and August 17, 2010. At the July 6, 2010 public hearing the direction given to staff was to create an ordinance to ban all future OWBs and to incorporate reasonable performance standards for existing OWBs in the City. There are currently six known OWBs located in the City of Inver Grove Heights. These performance standards would only apply to OWBs and not indoor wood stoves, fireplaces, or fire pits. At the August 17, 2010 public hearing the Planning Commission tabled action for staff to obtain additional information.

As stated in the August 17<sup>th</sup> minutes:

Motion by Commissioner Simon, second by Commissioner Schaeffer, to table until September 21, 2010, the request for an ordinance amendment prohibiting new outdoor boilers and establishing performance standards for existing outdoor wood burners/boilers, to give staff time to look into the following issues: 1) whether scrubbers were used on OWBs and whether they were effective, 2) eliminating OWBs on point of sale, 3) establishing a deadline or sunset provision, 4) explore further the reasoning for stack height, especially as it relates to the impact on neighboring properties, 5) adding verbiage that existing OWBs will not be extended, enlarged, or expanded.

In regards to question #1 whether scrubbers were used on OWBs and whether they were effective; staff spoke with a representative from a Central Boiler Dealer, he stated he was not aware of any re-burners or scrubbers that could be added to existing units. Some of the newer models have a fusion chamber/ re-burner which would help reduce emissions.

Questions 2, 3, and 5 (along with some additional information) are addressed by the City Attorney's office in the attached correspondence.

Question #4: explore further the reasoning for stack height, especially as it relates to the impact on neighboring properties. There is no magic setback or chimney height that will eliminate the emission or smells from an OWB. Staff has based the performance standard recommendations from what has worked with other communities. If the City was adopting performance standards for new OWBs the standards could be more restrictive. The City is considering

performance standards for six OWBs, some that have been in existence for over 10 years with no complaints.

Staff conducted some rough estimates on topography and building heights within 500 feet of an OWB located in Inver Grove Heights, going with a chimney height 2' taller than the highest point, the most extreme case of a chimney height could exceed 75'. After staff review it was determined that monitoring chimney heights from neighboring structures would have administration difficulties, it would be difficult to have accurate measurements, and there could potentially be issues with access to neighboring properties. Therefore, staff does not support chimney height requirements from neighboring structures.

Staff believes the most effective way to control emissions (besides upgrading to a new system) is to burn only seasoned, dry wood and to operate only during the colder months when people generally have their windows closed and are not outside as often. Additionally, from talking with other communities in the metro that have OWBs, complaints stopped once the owners increased the chimney/stack height. However, no other studies that we are aware of have been done comparing the lot sizes and topography for the location of these OWBs. Other communities seem to have existing OWBs located on lots less than 12,000 square feet in size. Finally, Inver Grove Heights is the only city, that we are aware of, that is dealing with at least 6 existing OWBs.

### **ALTERNATIVES**

The Planning Commission has the following actions available for the request:

A. **Approval**

If the Planning Commission finds the code amendments acceptable, the Commission should recommend approval of the code amendments or approval with recommended changes.

B. **Denial**

If the Planning Commission finds that the code amendments are not acceptable, a recommendation of denial should be forwarded to the City Council.

### **RECOMMENDATION**

Planning staff recommendation has not changed since the August 17, 2010 meeting. Planning staff recommends **approval** of the code amendment banning all future OWBs and establishing performance standards for existing OWBs as proposed

Attachments:

- City Attorney memo
- Proposed ordinance
- Minutes from the August 17, 2010 public hearing
- August 17, 2010 Planning Report
- Information submitted from resident

**LEVANDER,  
GILLEN &  
MILLER, P.A.**  
ATTORNEYS AT LAW

TIMOTHY J. KUNTZ  
DANIEL J. BEESON  
\*KENNETH J. ROHLF  
◊STEPHEN H. FOCHLER  
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DARCY M. ERICKSON  
DAVID S. KENDALL  
BRIDGET McCAULEY NASON  
DAVID B. GATES  
•  
HAROLD LEVANDER  
1910-1992  
•  
ARTHUR GILLEN  
1919-2005  
•  
• ROGER C. MILLER  
1924-2009

## MEMO

\*ALSO ADMITTED IN WISCONSIN  
◊ALSO ADMITTED IN NORTH DAKOTA  
◊ALSO ADMITTED IN MASSACHUSETTS  
◊ALSO ADMITTED IN OKLAHOMA

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**TO: Planning Commission**  
**FROM: Timothy J. Kuntz and Darcy M. Erickson**  
**DATE: September 16, 2010**  
**RE: Outdoor Wood Burners/Boilers Ordinance**

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### BACKGROUND

At the August 17, 2010 Planning Commission meeting, the Planning Commission considered a proposed ordinance that prohibits future outdoor wood boiler/burners ("OWBs") and imposes performance standards with respect to existing legal OWBs. The Planning Commission continued the matter to the September 21, 2010 meeting, seeking some clarification on several matters, which this memo addresses.

As a preliminary matter, most of the Planning Commission's questions center on the issue of rights of nonconformities and the City's ability to regulate them. Minn. Stat. §462.357, subd. 1e governs non-conformities and states:

**Subd. 1e. Nonconformities.**

(a) Except as otherwise provided by law, any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:

(1) the nonconformity or occupancy is discontinued for a period of more than one year; or

(2) any nonconforming use is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged. In this case, a municipality may impose reasonable conditions upon a zoning or building permit in order to mitigate any newly created impact on adjacent property or water body....

(b) Any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy. A municipality may, by ordinance, permit an expansion or impose upon nonconformities reasonable regulations to prevent and abate nuisances and to protect the public health, welfare, or safety. This subdivision does not prohibit a municipality from enforcing an ordinance that applies to adults-only bookstores, adults-only theaters, or similar adults-only businesses, as defined by ordinance....(emphasis added).

Nonconformities have protections under Minnesota state law. However, although Minn. Stat. § 462.357 provides nonconformities with many rights, it does not forbid cities from eliminating nonconformities that are nuisances. Cities have the power under Minn. Stat. § 462.357 to eliminate nuisances, including those nuisances that are nonconformities. Minn. Stat. § 462.357, Subd. 1d governs nuisances. It states:

**Subd. 1d Nuisance.**

Subdivision 1c does not prohibit a municipality from enforcing an ordinance providing for the prevention or abatement of nuisances, as defined in section 561.01, or eliminating a use determined to be a public nuisance, as defined in section 617.81, subdivision 2, paragraph (a), clauses (1) to (9), without payment of compensation.<sup>1</sup>

Accordingly, while there are many rights afforded to owners of nonconformities, cities are able to eliminate those nonconformities that constitute nuisances.

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<sup>1</sup> Minn. Stat. § 462.357, subd. 1c generally forbids cities from enacting an ordinance that would eliminate or terminate a use that was once legal. The statute specifically states:

**Subd. 1c. Amortization prohibited.**

Except as otherwise provided in this subdivision, a municipality must not enact, amend, or enforce an ordinance providing for the elimination or termination of a use by amortization which use was lawful at the time of its inception. This subdivision does not apply to adults-only bookstores, adults-only theaters, or similar adults-only businesses, as defined by ordinance.

In light of the above-stated rights of both nonconformities and cities, in developing an ordinance governing OWBs, the City has several tools with which it can regulate OWBs.

The City may ban all future OWBs on the grounds that OWBs are nuisances. In the event that the City bans future OWBs, the six known existing OWBs become nonconformities. These nonconformities are afforded the rights in Minn. Stat. §462.357, subject to the ability of the City, under that same statute, to regulate or eliminate nuisances.

The City may determine that existing nonconforming OWBs are nuisances as well. The City may then address the nonconforming nuisance in one of two ways. The City may devise and implement performance standards that it believes will ameliorate the nuisance caused by the nonconforming OWBs. Alternatively, the City may determine that performance standards are insufficient to ameliorate the nuisance presented by nonconforming OWBs and may eliminate nonconforming OWBs.

With this background in mind, the remainder of this memo responds to specific questions posed by the Planning Commission as a result of its hearing on August 17, 2010 regarding the proposed OWB ordinance.

## LEGAL DISCUSSION

### **1. Can the City treat properties differently, even if they are located in same zoning district?**

The City's performance standards must be uniformly applied in a zoning district to all properties in the zoning district.

### **2. Does the right to operate the OWB run with the property? Can the OWB be removed if/when a property sells?**

Unless there is a determination that nonconforming OWBs constitute a nuisance and the City requires removal of nonconforming OWBs, the right to operate an existing OWB would run with the property at which legal OWBs exists, assuming the owner complies any applicable performance standards. Unless the City declares nonconforming OWBs to be nuisances and requires their removal (as opposed to implementing performance standards), the City cannot force the seller or buyer to remove a nonconforming OWB from the property when it sells.

### **3. Can the City incorporate a sunset clause with performance standards?**

The City should adopt either performance standards that it believes will ameliorate the nuisance posed by nonconforming OWBs or alternatively declare nonconforming OWBs nuisances to be nuisances and provide for their removal in a timely fashion. In other words, the City should address nonconforming OWBs either through adoption of performance standards or provide for their removal with a sunset clause or deadline for removal.

Given the fact that any ordinance would not be effective until the middle of the winter heating season, it would be reasonable to provide a sunset provision requiring the existing OWBs to be removed after the current heating season but before the commencement of the next heating season, if the City determines the existing OWBs are nuisances it will eliminate.

**4. Can the City set performance standards on the mechanics of OWBs regarding emissions?**

Neither the federal government nor state government has established OWB emissions standards. The City likely has the legal authority to set performance standards on OWB emissions. However, while there may be legal authority to establish the emissions standards, there are practical problems with such regulation.

First, the question arises as to whether it would even be possible for legal nonconforming OWBs to comply with the emissions standards. While old mechanical equipment may sometimes be retrofitted with parts, it is not always the case. There may be no way to mechanically alter older OWBs. Additionally, even if older OWBs can physically be retrofitted, the retrofitting may not be effective in achieving a particular emissions standard.

Second, there could be potential liability issues associated with imposition of emissions standards. For example, if the City were to require scrubbers to be installed on older OWBs to lower emissions, it is not known whether the older OWB will safely function with such scrubbers and whether any type of introduction of different equipment will void the owner's warranty.

Third, there is the issue of enforcement. Who will monitor the emissions? Is City staff trained in emissions standards and testing? Does City staff have the equipment necessary to measure emissions? How will the emissions be measured? It is unlikely that the City has the resources to monitor emissions and enforce emissions requirements.

**5. The non-conformity regulations allow for the repair, replacement, and so forth of legal non-conformities. What about expansion? If an OWB would fail could the owner replace with a bigger, better one or would it have to be the same size or smaller? If the property owner skipped a burning season, and did not operate the OWB for over 12 months, would it lose its non-conforming rights? Or would the owner be allowed to burn since the OWB was already on the property? If an OWB wears out, can the city prohibit replacement?**

Minn. Stat. §462.357 permits owners to repair, replace and maintain their nonconformities. However, owners are not permitted to expand non-conformities unless the City permits such expansion. So, if an owner's OWB failed, the owner may replace it with one that is the same size or smaller than the previous OWB, but the owner could not install a larger OWB unless the City permitted it through its ordinances. However, as discussed below, there are time limits with regard to the replacement of the failed non-conforming OWB.

The right to continue a legal nonconformity is lost if the nonconformity is discontinued for more than one year. So, for example, if an owner of a legal, non-conforming OWB did not operate the OWB for more than twelve (12) months, then the non-conforming OWB must cease. The OWBs mere presence on the property is not enough to perpetuate it. The OWB itself must be operated and not allowed to be discontinued for more than twelve (12) months.

If the OWB wears out, the City cannot prohibit the property owner from replacing the OWB. Unless its use is discontinued for more than twelve (12) months, the owner has the right to replace the worn out OWB.

**6. Can the City prohibit the operation of existing OWBs and require the removal of them?**

If the City determines that nonconforming OWBs constitute a nuisance, then the City may prohibit their operation and require their removal even though they are nonconformities. Although Minn. Stat. §462.357, Subd. 1e, affords nonconformities great legal protection, such as the right to repair, replacement, restoration, or improvement, it does require cities to allow nonconformities that are nuisances to continue to operate.

If the City decides to prohibit existing OWBs because it determines that they constitute a nuisance, the City could consider incorporating a sunset clause that permits existing OWBs to operate through the current heating season, given that the heating season will have begun before the ordinance is effective and owners will have expected to utilize their nonconforming OWBs this winter. Accordingly, the City should then adopt a sunset clause requiring nonconforming OWBs to be removed and could set that date after the end of the current heating season or before the commencement of the new season.

CITY OF INVER GROVE HEIGHTS  
DAKOTA COUNTY, MINNESOTA

AN ORDINANCE PROHIBITING NEW OUTDOOR BURNERS/BOILERS AND  
ESTABLISHING PERFORMANCE STANDARDS FOR EXISTING OUTDOOR  
BURNERS/BOILERS AND DECLARING NEW OUTDOOR BURNERS/BOILERS AND  
LEGALLY EXISTING OUTDOOR BURNERS/BOILERS OPERATED IN VIOLATION  
OF PERFORMANCE STANDARDS TO BE NUISANCES

The City Council of Inver Grove Heights does hereby ordain:

**Section 1. Enactment.** Title 10, Chapter 17, Sections 1A through 1D are enacted to read as follows:

**10-17-1: OUTDOOR BURNERS/BOILERS:**

- A. Findings: The City Council of the City of Inver Grove Heights adopts the following findings concerning outdoor burners/boilers and the need to prohibit new outdoor burners/boilers:
1. Wood smoke is one of the chief causes of certain types of air pollution in the United States. (When Smoke Gets in Your Lungs: Outdoor Wood Boilers in New York State, Eliot Spitzer, Attorney General of New York State, Environmental Protection Bureau, August 2005, p. 6)
  2. Residential wood smoke contains fine particles and toxic air pollutants (e.g. benzene and formaldehyde). (Strategies for Reducing Residential Wood Smoke, Outreach and Information Division, Air Quality Planning Division, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, October 29, 2009, p. 4)
  3. Outdoor wood burners/boilers may emit significant pollution because the basic design of the outdoor wood burner/boiler causes fuel to burn incompletely, or smolder, which results in thick smoke and high particulate emissions. (When Smoke Gets in Your Lungs: Outdoor Wood Boilers in New York State, Eliot Spitzer, Attorney General of New York State, Environmental Protection Bureau, August 2005, p.5)
  4. Smoke emitted from outdoor wood burners/boilers can cause or contribute to short-term health harms such as eye, nose, throat and lung irritation, coughing and shortness of breath, and may exacerbate asthma or trigger asthma attacks. (When Smoke Gets in Your Lungs: Outdoor Wood Boilers in New York State, Eliot Spitzer, Attorney General of New York State, Environmental Protection Bureau, August 2005, p.5)

5. Chronic exposure to smoke can cause long-term effects such as asthma, heart and lung disease, and cancer. (When Smoke Gets in Your Lungs: Outdoor Wood Boilers in New York State, Eliot Spitzer, Attorney General of New York State, Environmental Protection Bureau, August 2005, p. 5)
6. There is public concern about the use of older technology hydronic heaters (also known as outdoor wood boilers) and their growing use, particularly in the Northeast and Midwest. (Strategies for Reducing Residential Wood Smoke, Outreach and Information Division, Air Quality Planning Division, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, October 29, 2009, p. 4)
7. As traditional sources of fuel (e.g. natural gas and heating oil) prices have gone up over the last several years, the purchase and use of wood-fired hydronic heaters, also known as “outdoor wood boilers” have increased. (Strategies for Reducing Residential Wood Smoke, Outreach and Information Division, Air Quality Planning Division, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, October 29, 2009, p. 6)
8. Outdoor wood burner/boiler chimneys are often short and thus do not carry the smoke past the heights of neighboring homes, thus resulting in undispersed smoke and more concentrated pollutions at lower elevations. (When Smoke Gets in Your Lungs: Outdoor Wood Boilers in New York State, Eliot Spitzer, Attorney General of New York State, Environmental Protection Bureau, August 2005, p.5, 12).
9. The United States Environmental Protection Agency does not currently regulate the manufacture, sale, or efficiency claims of outdoor wood burner/boilers. (When Smoke Gets in Your Lungs: Outdoor Wood Boilers in New York State, Eliot Spitzer, Attorney General of New York State, Environmental Protection Bureau, August 2005, p. 17).
10. In light of the significant harm that wood smoke can present, the City Council finds that the burning of other plant-based materials, including but not limited to wood pellets and corn, poses health risks similar to those posed by wood smoke.
11. Given the potential for significant harm to residents’ health, the City Council hereby finds and declares that outdoor burner/boilers constitute a public nuisance.
12. The City Council hereby finds and declares that an outdoor burner/boiler that is a legal nonconforming use as of December 1, 2010 and that is not operated in accordance with the performance standards of this Chapter constitutes a public nuisance.

B. Definitions:

1. **OUTDOOR BURNER/BOILER:** A device, designed and used for the burning of wood or other fuel sources including, but not limited to wood pellets or corn, for the purpose of heating the interior of a primary or accessory structure or heating a

structure, including, but not limited to the following: outdoor wood burners, outdoor wood boilers, outdoor wood boiler systems, outdoor wood burning furnaces, outdoor wood heaters, outdoor wood-fired boilers, and outdoor wood-fired furnaces, as well as outdoor burners, outdoor boilers, outdoor boiler systems, outdoor furnaces, outdoor boilers, and outdoor heaters.

Outdoor burner/boiler does not include fire pits, recreational fires, indoor furnaces or fireplaces, whether fueled by wood logs or natural gas in the interior of a dwelling.

2. PERSON: An individual, partnership, corporation, company or other association.
3. STACK or CHIMNEY: Means any vertical structure incorporated into a building, or upon an outdoor burner/boiler, and enclosing a flue or flues that carry off smoke or exhaust from an outdoor burner/boiler; especially that part of such a structure extending above a roof.

#### C. Prohibition of New Outdoor Burners/Boilers

As of December 1, 2010, no person may install an outdoor burner/boiler for the purpose of heating the interior of any structure on the property or for the purpose of heating water for any use or purpose on the property.

#### D. Regulation of Existing Outdoor Burners/Boilers

1. The lawful use of any outdoor burner/boiler existing as of December 1, 2010 is a legal non-conforming use pursuant to Minnesota Statutes Section 462.357, Subd. 1e that may be continued provided, however, that it is operated in accordance with and complies with the performance standards of this Section.

Such performance standards are reasonable regulations to prevent and abate nuisances and to protect the public health, welfare, and safety, as permitted by Minnesota Statutes Section 462.357, Subd. 1e(b).

2. Burners/boilers legally existing as December 1, 2010 are subject to the following regulations:
  - a. Chimney/Stack Height: The stack of an outdoor burner/boiler shall be at least two feet taller than the height of the tallest peak or point of the roof of the principal structure as measured from the elevation of the principal structure, regardless of where the outdoor burner/boiler is located on the property. Compliance with this provision shall be verified through site inspection.
  - b. Burning Materials: Only fuels approved by the outdoor burner/boiler manufacturer for burning in the outdoor burner/boiler may be burned. In the event wood is burned in an outdoor burner/boiler, only dry, seasoned wood may be burned. The following list is a non-exhaustive list of prohibited burning materials:

- (1) Food waste
- (2) Leaves
- (3) Grass clippings
- (4) Vegetative matter
- (5) Animal carcasses
- (6) Packaging material and food wraps
- (7) Paper products, including newsprint, magazine print, any paper material with ink or dye, and cardboard
- (8) Plywood
- (9) Composite wood products or other wood products that are painted, varnished or treated with preservatives
- (10) Treated wood
- (11) Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam
- (12) Fibers, natural and synthetic
- (13) Rubber and synthetic rubber-like products
- (14) Asphalt and asphalt containing materials
- (15) Furniture
- (16) Composite shingles, construction or demolition debris or other household or business wastes

c. Seasonal Burning Restrictions. Burners/boilers may only be operated from October 1 through April 30 each year. It is unlawful for a person to operate outdoor burners/boilers from May 1 through September 30 each year.

3. Deadline for Existing Outdoor Burners/Boilers. Owners of existing outdoor burners/boilers must comply with Sections 10-17-D-2(b) and 10-17-D-2(c) on or before December 1, 2010. Owners of existing outdoor burners/boilers must comply with Sections 10-17-D-2(a) on or before December 1, 2011.
4. A legal non-conforming outdoor burner/boiler existing as of December 1, 2010 that is not operated in accordance with the performance standards of this Section is a public nuisance that the City may remedy pursuant to Minnesota Statute Section 462.357, Subd. 1d.

**Section 2. Amendment.** Title 5, Chapter 9, Section 2(A) is amended to read as follows:

PROPERTY NUISANCE: A. Means and includes any of the following:

1. Violations of this chapter.
2. Violations of the fencing regulations (section 10-15-12 of this code).
3. Violations of the mixed municipal solid waste disposal regulations (section 8-6-5 of this code).
4. Violations of the compost regulations (section 8-6-6 of this code).

5. Violations of the sidewalk regulations (section 7-1-2 of this code).
6. Digging, excavating, or doing any act that alters or affects the drainage of property or alters or affects flows of the public storm sewer and drainage ditch system, except in accordance with the regulations of the city.
7. Noises, odors, vibrations or emissions of smoke, fumes, gas, soot, cinders, ash or otherwise that exceed the standards of the Minnesota pollution control agency.
8. Permitting, suffering, maintaining, or failing to remove any unsanitary, unsafe, dangerous or unhealthy condition outside of a building or shed on the property resulting from a failure to properly dispose of garbage, sewage, waste, debris or any other unwholesome or offensive substance, liquid, or thing upon property, or dropping, discharging, depositing or otherwise delivering the same upon the property of another or public property.
9. Any fence, dock, deck, tree, pole, excavation, hole, pit, or uncovered foundation, which, by reason of the condition, creates a public health or safety hazard.
10. An outdoor burner/boiler installed on or after December 1, 2010.
11. An outdoor burner/boiler legally existing as December 1, 2010 that is operated in violation of the performance standards set forth in section 10-17-1 of this code.

**Section 3. Effective Date.** This ordinance shall be in full force and effect from December 1, 2010.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
George Tourville, Mayor

Attest

\_\_\_\_\_  
Melissa Rheaume, Deputy City Clerk

**RECOMMENDATION TO  
CITY OF INVER GROVE HEIGHTS**

**TO:** Mayor and City Council of Inver Grove Heights

**FROM:** Planning Commission

**DATE:** August 17, 2010

**SUBJECT:** **CITY OF INVER GROVE HEIGHTS – OWBs – CASE NO. 10-20ZA**

**Reading of Notice**

Commissioner Simon read the public hearing notice to consider the proposed ordinance regarding outdoor wood burners/boilers (OWBs) which will declare OWBs to be nuisances, prohibit new OWBs, regulate existing OWBs by establishing performance standards for existing, and establishing deadlines for existing OWBs to comply with such performance standards. 35 notices were mailed.

**Presentation of Request**

Heather Botten, Associate Planner, explained the request as detailed in the report. She gave a brief history of the request, explaining that the Planning Commission is being asked to act on the proposed ordinance prohibiting all future OWBs and establishing performance standards for existing OWBs. She advised there are currently six known OWBs in the City of Inver Grove Heights. Ms. Botten advised there is considerable literature from various governmental agencies documenting the potential for significant harm to residents' health from the smoke emitted from OWBs, therefore the City finds that OWBs constitute a public nuisance. Planning staff and the City Attorney have discussed a number of performance standards and are proposing standards regarding chimney height, allowable months of operation, and prohibited burning materials that should address the nuisance concerns. Staff is proposing that the stack or chimney height of the OWB be at least two feet taller than the height of the tallest peak or point of the roof of the principle structure as measured from the elevation of the principle structure. Staff is also recommending that OWBs only be operated from October 1 through April 30 each year and that only fuels approved by the OWB manufacturer for burning be allowed. This would prohibit items such as leaves, treated wood, rubber, and furniture. Staff does not feel it necessary to address allowed zoning districts or to require an annual permit. Ms. Botten advised that OWB performance standard violations could be enforced like other performance standards, utilizing the City's code enforcement officer. Staff has a concern that issuance of an annual permit could create the false impression that the City is warranting that the OWB is mechanically sound. Also, the City does not require annual permits for other types of furnaces or mechanical equipment. Ms. Botten advised that staff does not support setback requirements from property lines and/or neighboring structures for existing OWBs. She advised that no other metro cities that she is aware of have required existing OWB owners to relocate the OWB on the property, and it was found that complaints stopped in the cities once the owners increased the chimney/stack height. Staff is recommending that the burning materials and seasonal burning restrictions become effective on or before December 1, 2010 and the chimney height requirements by December 1, 2011. Staff recommends approval of the proposed code amendment banning all future OWBs and establishing performance standards for the existing OWBs. Ms. Botten advised that staff received one email from a resident who was in favor of banning all future and existing OWBs.

Commissioner Simon questioned the timing of the moratorium vs. the proposed ordinance.

Ms. Botten advised that the moratorium was good until next summer or until an ordinance was passed and took effect.

Commissioner Wippermann asked what steps a property owner would take if they were still experiencing problems after an ordinance was adopted.

Ms. Botten replied if the OWB owner was in compliance with the approved performance standards the issue would become a civil matter.

Commissioner Wippermann questioned why staff was recommending that the chimney height requirement not take effect until December 1, 2011.

Ms. Botten replied that staff felt it was reasonable to give OWB owners a full season to get into compliance and it was unlikely that the ordinance would be passed before the start of this season's burning time.

Commissioner Wippermann asked if there was any consideration given to the height of the principle structures of the neighboring properties in relation to stack height.

Ms. Botten stated staff felt that an OWB chimney should be treated similarly to that of an indoor wood stove or fireplace and that the stack height should be in relation to the principle structure only on the OWB property itself.

Commissioner Wippermann suggested using the higher of either the height of the principle structure or that of the neighboring property. Ms. Botten replied that would be difficult to administer from a staff level.

Commissioner Roth asked if outdoor fireplaces would be affected by this ordinance, to which Ms. Botten replied they would not as fireplaces and firepits were completely separate uses from OWBs.

### **Opening of Public Hearing**

Robert Heidenreich, 11632 Akron Avenue, stated he has owned his OWB for close to 13 years. He advised that he intentionally installed his OWB on the lowest area of his parcel so the smoke would settle in the woods and not offend his neighbors. He stated if this ordinance was adopted he would have to build a 32 foot tall stack which would emit smoke directly to his neighbor's house and would also be unsightly whereas currently it was hidden. Mr. Heidenreich recommended that the six properties be treated individually rather than having a blanket rule.

Armando Lissarague, 11730 Albavar Path, stated that his neighbor installed an OWB after he had purchased his home. Mr. Lissarague stated he has coronary disease and would have never purchased his home had he known there would be an OWB on the neighboring property. He stated his family has suffered from allergies, coughs, sore throats, etc. in the last few years. He stated this is a health issue and he requested that the City ban all OWBs, both existing and future. He stated several agencies have determined they are a nuisance and as such several cities have begun to control them. He displayed photographs of smoke floating onto his deck and back yard. If existing OWBs were to remain, he questioned what a safe distance would be

from the neighboring property. He advised the OWB next to him was 275 feet away and yet the smoke still infiltrated his home, therefore the setback should be at least 300 feet from the property line and 500 feet from the nearest neighboring residence. In regards to the proposed stack height requirement, Mr. Lissarague suggested that the City adopt the recommendation of most boiler companies that the height of the chimney be at least two feet higher than the closest neighbor's residence within 500 feet from the OWB, that OWBs only be used from December 15 through March 15, that annual inspections be required, and that the City have the right of inspection at any time which would give the City the ability to monitor burning material violations. He recommended that the City adopt a smoke/health nuisance ordinance which was supported by a fine and loss of privilege to violators.

Richard Larson, 7038 Angus Avenue, stated he has an OWB. He advised he burns only seasoned wood and believes the majority of OWB owners do the same as the equipment would not work properly if they did not. He questioned the rationale for requiring the chimney be two foot above any structure on the property, stating normally chimney height requirements were based on drafting considerations.

Ms. Botten stated the standard was a tool the City could use to determine how high the stack should be and it would be similar to the standard used for indoor woodburners or fireplaces.

Mr. Larson stated there was a difference in that the chimney is directly above an indoor woodburner whereas with OWBs the chimney may be quite a ways from the principle structure on the property and would be subject to drafting. He stated that staff's recommended stack height guidelines could actually create additional problems rather than being a benefit as it would not draft properly the chimney would cool too much and would not get rid of the smoke properly.

Jeff Andresen, 4675 – 138<sup>th</sup> Avenue, Apple Valley, read an email from Tom Esselman, 11975 Albavar Path. Mr. Esselman's email stated that no chimney height would resolve the smoke and health concerns and he recommended the City completely ban OWBs, both future and existing. Mr. Andresen recommended that an environmental consultant be hired to set the performance standards.

Gerald Biesterveld, 11940 Albavar Path, stated he was in support of banning all OWBs.

Phillip Schmidt, 11702 Alexandria Court, stated he heats his home with an indoor fireplace insert. He questioned how that was different from an OWB and stated he was concerned about the potential for future expansion of the ban to include recreational fire pits and indoor woodburners.

Chair Bartholomew stated it was his understanding that OWBs have a dampened burning environment which allows larger particulate.

Mr. Schmidt stated that fireplace inserts use dampeners as well to control air flow into the unit.

Chair Bartholomew stated that everything he has read indicates that OWBs emit much larger particulate than indoor fireplace inserts.

Michelle Gaydos, 11660 Albavar Path, asked if a new property owner would have the right to

continue to operate an OWB if they purchased a property on which an existing OWB was present.

Ms. Botten stated existing OWBs would stay with the property, so if the property was sold the new owner could continue to operate the OWB.

David Gaydos, 11660 Albavar Path, stated he would prefer to see a complete ban on all OWBs, however, if the existing OWBs were allowed to remain he recommended they be deemed obsolete at such point as they deteriorate and need repair. He stated that OWBs differ from indoor woodburners in that they continually cycle.

Richard Elbert, 8569 Alverno Ave, stated this was a health issue. He advised that he worked in the heating and cooling industry for 39 years and now has respiratory disease which he feels is due to working with pollutants from gas, oil and wood burners. He stated he was in favor of a total ban on OWBs, adding that because of his health he cannot tolerate any wood burner smoke whatsoever. Mr. Elbert stated the research of forensic toxicologist David Brown indicates that smoke from an OWB can travel a half mile and in Mr. Elbert's opinion there is no setback large enough to make them healthy. Mr. Elbert advised that the proposed stack height recommendation is a Minnesota Building Code. Mr. Elbert encouraged the City to ban all OWBs, stating that several other cities have already done so as well as the State of Washington.

Mr. Heidenreich stated that the two foot chimney requirement is a Minnesota Building Code requirement for the structure that the chimney is installed on – not for the adjacent buildings in the area.

### **Planning Commission Discussion**

Commissioner Wippermann stated he did not feel the proposed performance standards would be effective and he supported a total ban on future and existing OWBs.

Chair Bartholomew stated he felt that OWBs posed an inordinate amount of health risks and therefore he supported a total ban on all OWBs as well as a timeline of when existing OWBs should be removed from the City.

Commissioner Hark stated that although he understood staff's desire to establish measureable standards, he questioned whether chimney stack height would help resolve smoke issues. He stated he was conflicted because there were only six existing OWBs in the City, the owners have a lot of money invested and installed their OWBs at a time when they were allowed, and there have been very few complaints received; however, he understands what a negative impact they could have on the neighboring properties and does not feel they are appropriate in this City. He did not feel that the proposed standards for existing OWBs were sufficient but that they could be fine tuned down the road. He recommended that language be added to the ordinance specifying that existing OWBs cannot be extended, expanded or enlarged, and when a property owner of an OWB sells his property that OWB is then required to be out of use.

Commissioner Roth asked if there was any discussion regarding possibly installing scrubbers on the OWBs, to which Ms. Botten replied there was not.

Commissioner Roth stated he could not speak to their use in relation to OWBs, but they were

successful in removing particulate matter from the smoke stacks of coal burning power plants.

Commissioner Schaeffer asked if there was a precedent in terms of the elimination of transfer of ownership when a property is sold.

Commissioner Simon stated there are requirements for bringing septic systems into compliance at point of sale and therefore forcing a homeowner to take an action.

Ms. Botten stated that would be different than requiring they stop the use completely. She stated she would ask the city attorney if elimination of transfer would be legally allowed.

Commissioner Scales stated he supported a ban on future OWBs, but felt it was an undue hardship to force the six existing OWB owners to stop using their equipment. He stated he would, however, consider a requirement that they not be replaced down the road.

Chair Bartholomew stated from his point of view the neighbors of the OWB owners had rights as well, and felt that because the risk level was so high the City had to do something extraordinary.

Commissioner Koch stated she supported a ban on future OWBs, questioned whether the existing OWBs should have blanket standards or instead be dealt with on an individual basis, and suggested staff look into the effectiveness of scrubbers.

Chair Bartholomew suggested tabling the request to give staff time to look into whether there were scrubbers on the market that could reduce the particulate to an acceptable level.

Commissioner Hark requested that staff discuss with the city attorney the possibility of eliminating OWBs upon sale of the home.

Commissioner Wippermann requested that the city attorney also look at establishing a sunset date by which the existing OWBs must be discontinued.

Commissioner Schaeffer requested that staff look into stack height, stating there seems to be a question as to how increasing the stack will affect the performance of the unit, whether the stack height should be relative to the structure its connected to rather than a structure that is hundreds of feet away, and whether increasing the stack height could actually create new issues. He questioned whether there would be another mailed notice to the public.

Ms. Botten stated there would not be another mailed notification; rather staff would announce the next public hearing date at this meeting.

Chair Bartholomew asked if Commissioner Schaeffer was asking City staff to explore further the reasoning for stack height.

Commissioner Schaeffer stated they heard testimony tonight indicating that perhaps the stack height should be customized to the specific location.

Ms. Botten stated the City could not have individual requirements for individual properties.

Chair Bartholomew asked if they could have requirements specific to distances from

neighboring homes.

Ms. Botten advised that the request should be tabled to the September 21 Planning Commission meeting to allow time for the city attorney to gather all the information being requested.

Commissioner Wippermann stated he would not be attending the September 21 meeting, but stated his position is that he would prefer to ban all OWBs, both existing and future.

**Planning Commission Recommendation**

Motion by Commissioner Simon, second by Commissioner Schaeffer, to table until September 21, 2010, the request for an ordinance amendment prohibiting new outdoor boilers and establishing performance standards for existing outdoor wood burners/boilers, to give staff time to look into the following issues: 1) whether scrubbers were used on OWBs and whether they were effective, 2) eliminating OWBs on point of sale, 3) establishing a deadline or sunset provision, 4) explore further the reasoning for stack height, especially as it relates to the impact on neighboring properties, 5) adding verbiage that existing OWBs will not be extended, enlarged, or expanded.

Motion carried (9/0).



Existing OWBs pose those potential health risks. As such, the City may require existing OWBs to meet certain conditions within a period of time to abate the nuisance caused by their operation. The following performance standards are addressed in the attached ordinance relating to existing OWBs. Planning staff and the City Attorney have discussed the performance standards and feel the following are reasonable requirements that should address the nuisance concerns.

It is important to note that this ordinance will regulate OWBs, but that staff has broadened the definition of OWB to include outdoor burners/boilers that burn wood pellets and corn, as well, because staff anticipates that outdoor burners/boilers burning those materials would pose the same health risk as the outdoor burners/boilers burning wood. This memo will continue using the term OWB, but the ordinance will regulate outdoor burners/boilers that burn wood, wood pellets, corn or other fuel sources.

#### Stack/chimney height:

The chimney stack shall be at least two feet taller than the height of the tallest peak or point of the roof of the principal structure as measured from the elevation of the principal structure. For example, if the tallest point of the house is 20 feet from the ground elevation and the OWB is located 10 feet lower in ground elevation than the ground elevation of the house, the chimney would have to measure 32 feet from the ground elevation of the OWB. None of the existing OWBs currently meet the proposed stack/chimney heights.

#### Seasonal Burning Restrictions

OWBs may only be operated during the cooler months, from October 1 through April 30 each year.

#### What not to burn

Only fuels approved by the OWB manufacturer for burning may be burned so as to minimize the smoke generated by the OWB. A non-exhaustive list of materials not allowed to be burned is listed in the ordinance, and it includes items such as leaves, treated wood, rubber, and furniture.

#### Zoning Districts

Planning staff did not feel it was necessary to address allowed zoning districts since the performance standards apply to only existing OWBs, no matter what the zoning district is and all future OWBs would be banned in all zoning districts.

#### Operational Permits

At the previous public hearing it was recommended that staff review the possibility of requiring an annual permit for the existing OWBs. After staff discussion it was determined that an annual permit would not be necessary for the enforcement of the existing OWBs. First, there are few OWBs within the City and given the ban on future OWBs, the number of OWBs should remain small. Second, Staff believes that the OWB performance standard violations may be enforced like other performance standards, utilizing the City's code enforcement officer. The

City’s code enforcement officer would respond to complaints concerning the OWBs and pursue enforcement, if a violation were found to exist. Finally, Staff has concern that the issuance of an annual permit may create the false impression that the City is somehow warranting that the owner’s OWB is mechanically sound.

Setbacks

Planning Staff discussed the need to require setbacks from property lines. The City has six known OWBs and has received a complaint about just one of them. The lot sizes range from .5 acres to 5 acres in size, with a maximum width of 400 feet and a minimum width of 140 feet. Discussions with other metro cities have found that no city, that we are aware of, has required existing OWB owners to move or relocate the OWB. Complaints stopped in the cities that had existing OWBs once the owners increased the chimney/stack height. As such, it appears that stack height adequately abates or more effectively abates the nuisance posed by OWBs. Additionally, the minimal setback distances that could physically be done on the existing lots would not have a significant impact to the surrounding properties. Therefore, staff does not support setback requirements for existing OWBs.

Staff also reviewed setbacks relating to neighboring structures. After staff discussion it was determined that monitoring setbacks from neighboring structures would have administration difficulties, it would be difficult to have accurate measurements, and there could potentially be future issues with new construction or additions. Therefore, staff does not support setback requirements from neighboring structures.

The following tables illustrate lot sizes, estimated OWB setback from the nearest property line, estimated lot width, and estimated setback of the OWB from the nearest neighboring home.

| Address                        | Lot size  | Zoning                  | Est. setback of OWB from nearest property line | Est. setback of OWB from nearest neighboring home | Estimated Lot Width | Was a permit issued |
|--------------------------------|-----------|-------------------------|--|---|---------------------|---------------------|
| 11068 Albavar Path             | 2.5 acres | E-1, Estate residential | ≥10'   | ≥120'   | 166'                | No permit           |
| 11780 Albavar Path             | 5 acres   | A, Agricultural         | ≥100'  | ≥220'   | 380'                | March 2008          |
| 9277 Old Concord               | 2.8 acres | PUD                     | ≥35'   | ≥280'   | 247'                | November 2005       |
| 4301 – 64 <sup>th</sup> Street | 0.5 acres | I-1, Industrial         | ≥13'   | ≥180'   | 140'                | 1997                |
| 11632 Akron Avenue             | 5 acres   | A                       | ≥70'   | ≥317'   | 400'                | No permit was req'd |
| 7038 Angus Avenue              | 2.94      | A                       | ≥80'   | ≥190'   | 318'                | No permit was req'd |

The following table illustrates what properties could meet some suggested setbacks from a property line.

| Address                        | 100' Setback            |                                    | 200' Setback            |                                    | 300' Setback            |                                    |
|--------------------------------|-------------------------|------------------------------------|-------------------------|------------------------------------|-------------------------|------------------------------------|
|                                | Currently meets setback | Could meet setback on the property | Currently meets setback | Could meet setback on the property | Currently meets setback | Could meet setback on the property |
| 11068 Albavar                  | No                      | No                                 | No                      | No                                 | No                      | No                                 |
| 11780 Albavar                  | YES                     | YES                                | No                      | No                                 | No                      | No                                 |
| 9277 Old Concord               | No                      | YES                                | No                      | No                                 | No                      | No                                 |
| 4301 – 64 <sup>th</sup> Street | No                      | No                                 | No                      | No                                 | No                      | No                                 |
| 11632 Akron Ave                | No                      | YES                                | No                      | YES                                | No                      | No                                 |
| 7038 Angus Ave                 | No                      | YES                                | No                      | No                                 | No                      | No                                 |

Owners of existing OWBs must comply with the burning materials and the seasonal burning restrictions on or before December 1, 2010 and the chimney height requirements by December 1, 2011.

**ALTERNATIVES**

The Planning Commission has the following actions available for the request:

- A. **Approval**  
 If the Planning Commission finds the application acceptable, the Commission should recommend approval of the code amendment or approval with recommended changes.
- B. **Denial**  
 If the Planning Commission finds that the code amendment is not acceptable, a recommendation of denial should be forwarded to the City Council. With a recommendation of denial, findings or the basis for the denial should be given.

**RECOMMENDATION**

Planning staff recommends **approval** of the attached code amendment banning all future OWBs and establishing performance standards for existing OWBs as proposed. Since the majority of properties would not meet setbacks, thus requiring the OWB to be moved, staff is recommending that no setback requirements be included with the performance standards for existing OWBs.

Attachments:

- Ordinance language
- Topography and setbacks for properties with OWBs
- Minutes from the July 6, 2010 public hearing

Heather Botten

---

Subject: FW: Outdoor wood burners-Heidenreich-Resident  
Attachments: P&MWoodGasification2010.pdf

-----Original Message-----

From: Bob Heidenreich [mailto:Decks@thedeckstore.net]  
Sent: Wednesday, September 08, 2010 5:06 PM  
To: Tom Link  
Subject: Outdoor wood burners-Heidenreich-Resident

Mr. Link and Committee,

I am a resident of Inver grove Heights, I have a wood burner at my home and have attended several of the meeting in regard to these units.

While I was at the State fair I found a company that manufactures one the is nearly smokeless I have attached the brochure for your review

While I see the need for restrictions on these units, the industry is improving the technology to create these carbon neutral, cleaner burning units,

I think the city's planning committee should consider this when making their decision. I would be in favor of some type of rule that says "any new units or replacements of existing units, including repairs over x\$\$ amount must meet these minimum requirements"

Imagine if IGH banned Fords first cars because they scared horses, or AM radio's because some choose to play them to loud. The technology in these devices has improved as has the technology used in OWB's

Robert Heidenreich  
11632 Akron Ave  
IGH, MN 55077  
651-451-3294

---

Work

Bob Heidenreich-President  
The Deckstore - Deck & Door Company  
6900 W 151st St  
Apple Valley, MN 55124  
952.432.1888

"Constantly improving homeowners' outdoor living experience, one deck at a time."

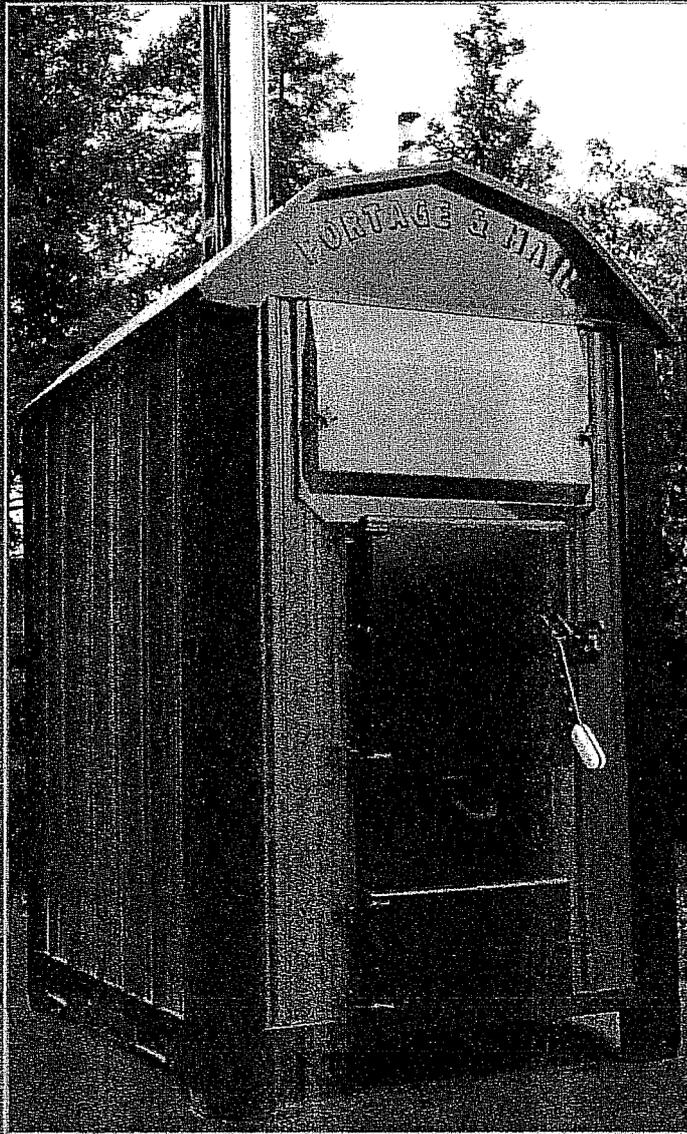
# PORTAGE & MAIN

Est. 1973

OUTDOOR WATER FURNACE

WOOD GASIFICATION ~ OPTIMIZER 250

*Also approved for installation inside outdoor buildings*



EPA Phase Two  
Qualified

HIGHLY  
EFFICIENT  
SCOTCH MARINE  
TUBE HEAT  
EXCHANGER

*Burns ALL types  
of dry seasoned wood!*

PORTAGE & MAIN  
OUTDOOR WATER FURNACES

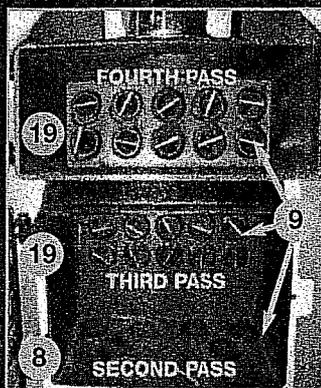
*"Innovators...  
not imitators!"*

Watch the gasification action video at  
[www.portageandmainboilers.com](http://www.portageandmainboilers.com)



# WOOD GASIFICATION ~ OPTIMIZER 250

Scotch Marine Design  
Multi-Pass Heat Exchanger  
(back view)



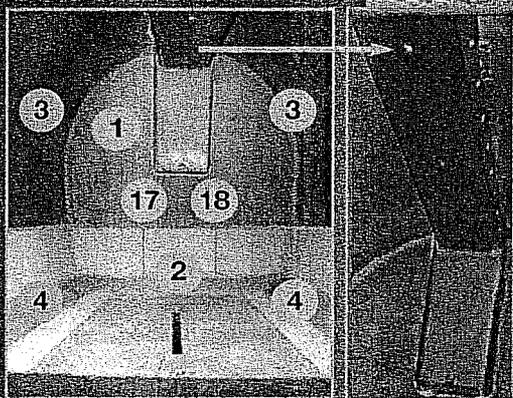
**4TH PASS:** is through a second set of ten 1.5" tubes. Optimal heat has been extracted before the gases exit the stack.

**3RD PASS:** gases travel through ten 1.5" horizontal tubes.

**2ND PASS:** is up six 2" vertical tubes which are easy to access and clean (with supplied brush).

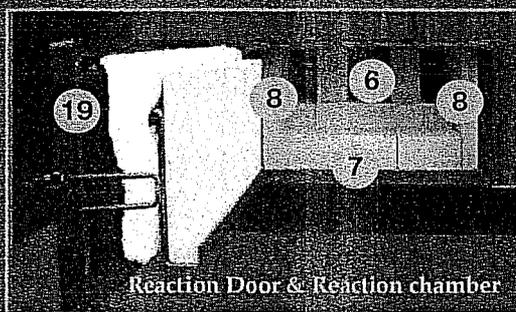
**1ST PASS:** is from the front of the reaction area to the back of furnace where the return water enters allowing for maximum heat transfer.

Rounded firepot



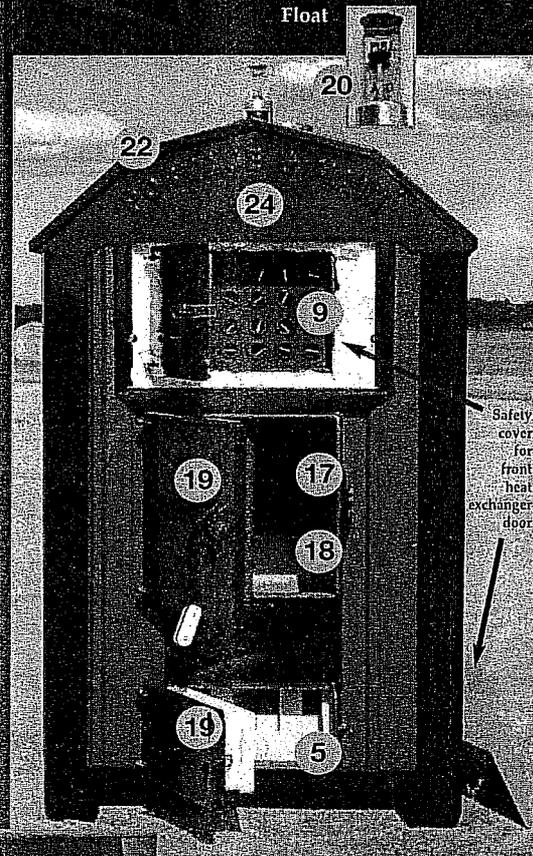
Extensive amount of heavy duty pre-cast heat-treated refractory brick

Air injection ports



Reaction Door & Reaction chamber

Excellent engineering, Environmentally friendly!  
Efficiencies of 94%! CSA UL Certified - EPA Phase Two Qualified

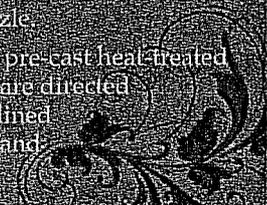


The Wood Gasification Unit - Optimizer 250 uses the wood gasification process to produce highly efficient combustion in the furnace's primary burn and reaction chambers. Wood in the firepot burns from the bottom up, drying the top layer of wood in the firepot. Gases and exhaust are forced into the lower burn pre-cast heat-treated refractory brick-lined chamber where gases are burned at temperatures of 2000°F. plus. Temperature variation is based on fuel type, burn rate and other conditions.

The extensive pre-cast heat-treated refractory brick lining of both burn chambers, produces and absorbs the chamber's high burn temperatures required for consistent gas combustion. This significantly reduces emissions, prevents creosote build up and minimizes ash build-up in the unit. Maximum heat extraction is achieved as the exhausting air travels the full length of the burn chamber, up through the vertical pass of six 2 inch tubes before passing through ten 1.5" horizontal tubes with turbulators then reversing through a second set of ten 1.5" horizontal turbulated tubes before passing out the stack. These multiple tubes running through the water jacket heats the water quickly and efficiently. Water gets up to temperature faster with this design. This was the most efficient design of boilers 150 years ago and still is today. Optimal heat extraction saves both the work and the cost involved with wood.

**The Optimizer 250 incorporates the existing features of the conventional Portage & Main unit - longevity, reliability and efficiency and adds these great features with the Optimizer 250:**

1. Rounded firepot with Over Under Air. Air is injected above the fire with air injection ports along the full length of the firepot. Air rolls gently down the sides of the firepot going under the fire, giving a super clean turbo burn with no creosote and no one-spot burning. Both air ports are adjustable.
2. Extensive amount of heavy-duty pre-cast, heat-treated refractory brick in target area. The total base is 4" thick heat-treated pre-cast refractory brick.
3. Water jacketed, the fire chamber has extensive amount of pre-cast, heat-treated refractory brick and water-cooled sides.
4. Fire chamber has 9" high heavy-duty pre-cast, heat-treated refractory brick all around.
5. Large pre-cast heat-treated refractory brick reaction chamber to withstand the gasification process heat and to assist in re-ignition.
6. Pre-cast heat-treated refractory brick combustion nozzle.
7. Secondary combustion/reaction chamber bottom is a pre-cast heat-treated refractory brick lined unique target area. Heat/gases are directed towards the front, heavily insulated, refractory brick lined heavy duty doors where it reverses 180 degrees back and up through the second pass tubes.



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**Original, undisputable optimal designed, classic named Portage & Main Outdoor Water Furnaces lead the industry in high efficiency, dependable, long lasting, engineered products, with proven technology that has stood the test of time for over 150 years.**

8. All extreme heat areas are pre-cast heat-treated refractory brick lined or water cooled. Water cooled lower reaction area behind the refractory brick allows for maximum heat transfer into the water jacket. This is where the intense heat from gasification process is extracted.
9. Large area of heat recovery with extensive water covered heat extraction surfaces. The scotch marine multi-pass tube heat exchanger, which is a time tested and proven design, consists of six 2" vertical tubes and 20 full length 1.5" horizontal tubes with tubulators inside.
10. Easy, convenient access to the large pump install area is provided by the two back hinged doors, insulated with fiberglass reflective high quality insulation. These doors have lockable paddle type latches.
11. Protected behind the doors are aquastats and blower. Simple digital controls allow the operator to accurately regulate the furnace's heat output as controls are programmable to within one degree (Johnson Control). No temperature creeping to boiling point. High limit safety aqua stat controls can be remotely mounted in the home/building easily.
12. Double pump hook-up is shown. Extra pump hook-ups can be tied in. Pumps not included.
13. CSA approved high quality capacitor run bearing motor.
14. Motorized 120 volt gasketed flapper air shut off. Trouble free air control, no wires to burn off or solenoid to give trouble.
15. Adjustable primary and secondary air. Motor fan switch and electrical control box.
16. Return water enters low to pick up intense heat.
17. All parts are laser cut for precision fitting which allows the bevel to be accurately filled with strong double pipeline (Boiler style welds). Welding inside and outside takes more time but is worth it as it results in stronger total penetration welds, which help prevent weld corrosion, cracking and pin hole leaks.

17. Rounded top firepot has air introduced along the full center length of the firepot top. This prevents one spot violent burns.

18. Firepot and heat exchanger are made of 1/4" W44 cold rolled steel which eliminates the problems associated with stainless steel. W44 cold rolled steel has the same corrosive resistant properties as boiler plate and is noted for being a very "uniform" steel that is easy to shear, break and is welder friendly. Inside water jacket is made of 1/4" cold rolled steel. Outside water jacket is made of 3/16" cold rolled steel.

19. Convenient, easily accessible, insulated, or refractory brick lined doors have adjustable latches and adjustable heavy duty hinges using 3/8" hardware. They make the cleaning of fire tubes and ash removal easy. Heavy-duty charge door, insulated with Roxull insulation to 2,200 degrees F, is at a convenient, easy loading height. The safety latch doors seal with top quality industrial core gasket giving a long-lasting, positive seal.

20. Easy to read, convenient float water level indicator has no sight glass to fog or discolor or electrical to give problems.

21. Chimney comes out of the furnace below water level. This prevents stack corrosion.

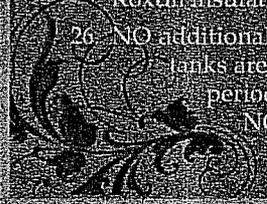
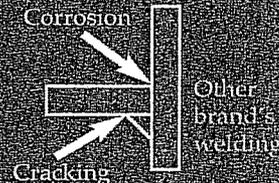
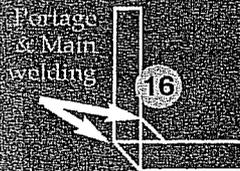
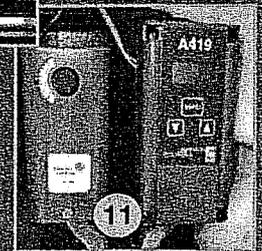
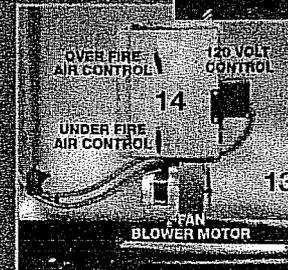
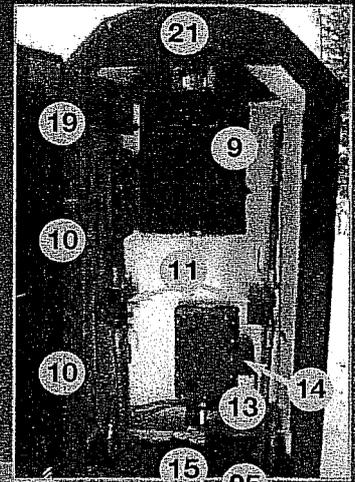
22. Powder coated finish on the one-piece roof has no trims to rust or deteriorate. Top quality mirror-like paint on the rest of the furnace.

23. Furnace is very well insulated using R20 quality insulation which will not break down, crack, separate, burn or cause rust on the outside of the unit.

24. "PORTAGE & MAIN" is proudly stamped on every unit.

25. Base floor insulated with high temperature Roxull insulation to 2,200-degree F.

26. NO additional insulated water storage tanks are required to extend heating period of the Optimizer 250 therefore NO additional costs are incurred.



# Portage & Main Outdoor Water Furnace WOOD GASIFICATION UNITS

**Optimal Designed, and Manufactured for Optimal Efficiency and Operation Ease**

## What it means for you!

Portage & Main Outdoor Water Furnaces have been producing highly efficient long-lasting furnaces that are simple to operate and maintain since 1973. They have industry's best warranty. The wood gasification process gives optimal high efficiency by extracting heat from the gases and other emissions that are released into the atmosphere in conventional furnaces. This optimally high efficiency gives you optimal benefits and savings all around.

The optimal high temperature burn produces more heat from less wood, lowering wood's fuel price. It takes less wood to give a greater BTU output. The wood in our gasification process produces up to twice the heat than in conventional boilers. It burns cord wood - less processing costs of cutting and splitting. Saves you both resources and time! It can burn all types of seasoned dry wood so even more savings.

The Optimizer 250 combines the benefits and safety of the conventional furnace (low temperature burn) with added savings and technology of a high temperature burn water furnace to supply heat for your house, greenhouse, pool, shop, business or other buildings.

You are not dependent on fossil fuels with their rising costs.

It is designed for easy operation, low maintenance and, of course, highest efficiency.

The fire tube turbulators inside the round scotch-marine tubes keep the hot gases to the perimeter of the tube so it is easily extracted by the water surrounding the tubes. This guarantees maximum

heat transfer to the water will occur. This turbulent heat transfer only occurs with round tubes. It is not possible with rectangular or square pipe as they rely on laminar flow.

The high temperatures of the gasification process eliminate creosote build-up in scotch-marine tube heat exchanger.

The Optimizer's front and back fire tube access doors make cleaning out fly ash from the flues a simple and easy task. The front access door for the fire chamber makes this area accessible and easy to maintain ash free.

The Optimizer's full length back access doors make hook-up simple.

The Optimizer is installed outdoors which keeps the fire and woodpile away from your home which in many cases lowers home insurance costs. It is also available to be installed inside an outdoor building (shop, barn, etc).

No expensive hot water storage tanks are required. These design and production elements are beneficial to you and to the environment.

## What it means for the environment.

The reports of dwindling fossil fuel supplies and a growing concern for the environment have governments and individuals alike looking for alternative heating options.

Portage & Main Outdoor Water Furnaces' leading edge experience and expertise in alternative energy heating products since 1973 have answered the call

for greater efficiency and less environmental emissions with this wood gasification unit - The Optimizer 250.

The highly efficient Portage & Main Outdoor Water Furnaces have always burnt 1/3 to 1/2 less wood than other boilers. It stands to reason if less wood is burnt there will be less emissions into the environment. Portage & Main Outdoor Water Furnaces have always incorporated the time tested efficient elements of wood burning into their furnaces.

We have combined the unsurpassed quality of the Portage & Main Outdoor Water Furnaces with the high temperatures of wood gasification, pre-cast heat-treated refractory brick and scotch-marine heat extracting tubes to produce an environmentally and friendly long lasting efficient unit. Now this wood gasification, clean burning model uses even less wood to produce double the amount of BTUs and is virtually smokeless - which means very, very little emissions.

## Optimizer 250 Gasification Process-How it works.

The Physics Laws Combustion Stages!

1. Wood burns and boils out moisture.
2. As temperature increases, the wood begins to release volatile gases.
3. These gases are burnt. This is the final stage of combustion which releases the most heat.

Low temperature conventional furnaces cannot maintain the 1300°F plus temperatures required to burn these gases. The Portage & Main Optimizer with high temperature wood gasification chamber maintains 3 stage combustion which produces optimal heat. The very efficient large scotch-marine tube design heat exchanger optimally extracts heat into the water jacket. The heated water is circulated to your home's (building) heating system through underground insulated pipes.

Outdoor water furnaces can be used for new building heating or easily integrated into your existing heating system. They can be used with any forced air heat source already installed in a building - with existing electric, gas, or heating oil. A simple fan coil radiator is installed in the furnace plenum and the existing fan blower distributes the heat. The fan blower is now controlled by a new thermostat, leaving the existing system intact for emergency back-up. Heat is distributed evenly throughout the building. You can also use a plate heat exchanger to connect to your existing indoor boiler. Boiler fluids are left intact and ready for emergency backup. You can use a plate exchanger or a sidearm to produce unlimited domestic hot water.

## SPECS: WOOD GASIFIER ~ OPTIMIZER 250

|                                   |                                       |
|-----------------------------------|---------------------------------------|
| Maximum Furnace Output (BTU/Hour) | up to 300,000                         |
| Heating Area, Approx. (sq. ft.)   | 5,000 plus                            |
| Total Width                       | 47"                                   |
| Total Depth                       | 66"                                   |
| Total Height                      | 81"                                   |
| Shipping Weight Approx.           | 3,030 lbs                             |
| Chimney Size                      | 6"                                    |
| Door Size W x H                   | 18" x 20"                             |
| Firebox Volume W x H x L          | 32" x 26" x 30"                       |
| Water Capacity (US gallons)       | 240                                   |
| Fire Tubes                        | (20) 1.5" horizontal, (6) 2" vertical |
| Maximum Log Length                | 28"                                   |
| Limited Warranty                  | 10 years                              |

**Comes with ash tray, cleaning tools, fire tube brushes, fire tool and certified boiler treatment.**

*Simply the Best!*

North American Portage & Main Outdoor Water Furnace Distributor:

**HEAT SMART PLUS**

R.R. #5, Site #16, Comp #114

PRINCE ALBERT, SK S6V 5R3

1-800-561-0700

[www.portageandmainboilers.com](http://www.portageandmainboilers.com)

Authorized Portage & Main Outdoor Water Furnace Dealer

## MEMO

### CITY OF INVER GROVE HEIGHTS

**TO:** Planning Commission  
**FROM:** Allan Hunting, City Planner  
**DATE:** September 14, 2010  
**SUBJECT:** HOUSING TASK FORCE FINAL REPORT UPDATE

For an update to the Commission, I will give a brief summary of the Housing Task Force's final report and recommendation to the City Council that occurred earlier this summer.

#### BACKGROUND

On June 22, 2009, the Inver Grove Heights City Council appointed a Housing Task Force consisting of 12 members with a goal of recommending a housing action plan by July 2010.

The Task Force began meeting in July, 2009 and conducted monthly meetings through June of this year with the goal of presenting a housing action plan to the Council in July, 2010. A number of different groups spoke to the Task Force to give them a background on various housing issues. The speakers included the Dakota County Community Development Agency (CDA) and representatives from the Inver Glen Senior Housing project, Issiah discussing work force housing and the Builders Association of the Twin Cities discussing affordable housing.

The Task Force began formulating their ideas and recommendations in March and drafted their own report which is being presented as the housing action plan.

The Housing Task Force report recommended the Council address three main issues, each with their own set of recommendations; 1) Housing Education, 2) Senior Housing, 3) Affordable Housing. The report presented to the City Council is attached to this memo.

On July 12, 2010, the City Council passed a resolution Receiving the 2010 Housing Action Plan Report and Recommendation presented by the Housing Task Force. The Council then directed staff to prepare a resolution creating a permanent Housing Committee which will be appointed and meet most likely quarterly to discuss and determine how to implement the ideas found in the report. Staff is in the process of drafting the resolution establishing the committee and it is scheduled to go to City Council on September 27. If adopted at that meeting, staff will then begin the process of seeking volunteers to serve on the committee. We would hope to have a group picked by late winter.

CITY OF INVER GROVE HEIGHTS  
DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. 10-104

RESOLUTION RECEIVING THE 2010 HOUSING ACTION PLAN REPORT AND  
RECOMMENDATION PRESENTED BY THE HOUSING TASK FORCE

WHEREAS, On June 22, 2009, the Inver Grove Heights City Council appointed a Housing Task Force consisting of 12 members with a goal of developing a housing action plan by July, 2010;

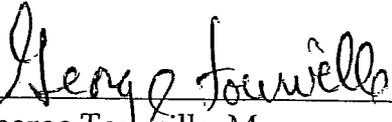
WHEREAS, the Housing Task Force held monthly meetings between July 2009 through June 2010 and prepared a report and recommendation based on research conducted by the task force and opinions and recommendations gathered from other groups and individuals such as the Dakota County Community Development Agency (CDA), Inver Glen Senior Housing, Isaiah and the Builders Association of the Twin Cities;

WHEREAS, on July 12, 2010, the Council heard a presentation by the Housing Task Force presenting their report;

WHEREAS, the Housing Task Force report recommends the Council address three main issues, each with their own set of recommendations; 1) Housing Education, 2) Senior Housing and 3) Affordable Housing;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS, that the Council receives the 2010 Inver Grove Heights Housing Task Force Housing Action Plan Report and Recommendation.

Adopted by the City Council of Inver Grove Heights this 12th day of July, 2010.

  
\_\_\_\_\_  
George Tourville, Mayor

Ayes: 5  
Nays: 0

ATTEST:

  
\_\_\_\_\_  
Melissa Rheume, Deputy Clerk

2010 INVER GROVE HEIGHTS HOUSING TASK FORCE  
HOUSING ACTION PLAN  
REPORT AND RECOMMENDATION

July 12, 2010

On June 22, 2009, the Inver Grove Heights City Council appointed a Housing Task Force consisting of 12 members with a goal of recommending a housing action plan by July 2010.

The need for a task force is derived from 1) the goals of the 2030 Comprehensive Plan which established housing as an integral part of the City and 2) the desire to maintain the quality of housing stock in the City and 3) concerns from workforce housing advocates that approached the City and requested that action be taken to address housing issues in the City.

The Task Force conducted its first meeting on July 20, 2009 and has conducted monthly meetings with the objective of meeting the timeline deadline and presenting a housing action plan to the City.

Over this period of time, a number of different groups have spoken to the Task Force to provide them with background on various issues. The list of speakers included two sessions with the Dakota County Community Development Agency (CDA) to discuss their various programs on housing issues and foreclosures, Inver Glen Senior Housing to discuss housing needs for the elderly, a speaker from the group Isaiah discussing workforce housing, and a speaker from the Builders Association of the Twin Cities to discuss workforce or affordable housing.

Beginning with the March meeting, the Task Force began discussing the issues they wanted to bring forward to the City Council. Three main issues were

decided upon which are; 1) Housing Education 2) Senior Housing and 3) Affordable Housing.

This report provides to the council, a recommendation for each of the three main topics and suggested goals to achieve the recommendation. A summary page (attachment A) is included at the end of the report which summarizes all of the discussion topics under the three main headings.

## HOUSING EDUCATION

### Creation of a Housing Committee

The Housing Taskforce recommends that a permanent and voluntary Housing Committee be established by the Council. This committee would address, research and make recommendations relative to housing issues that may be of interest to the City. This group should meet at least quarterly and be diverse, yet small enough to remain effective and efficient. The members of this committee would be expected to keep up on all issues that could be of interest or benefit to the City to know about. This committee would report to and be under the guidance of the City Planner or other appropriate staff person.

### Suggested Topics for a Housing Committee to Address:

1. MARKET STUDY UPDATE: Encourage the City to partner with the Dakota County CDA to commission (with Maxfield Research Group or an equal) an updated IGH Housing Market Study to better meet and manage Inver Grove Heights' future housing needs. The last study was completed in 2000.
2. RENTAL HOUSING LICENSING: Research rental housing licensing policies of other cities in the metro and provide recommendations for a possible Inver Grove Heights licensing program/policy/ordinance.

The purpose of such a program would be to conduct rental housing inspections approximately every five years and ensure a minimum quality of housing is provided for all rental units in the City.

3. FORECLOSURES: Monitor foreclosure policies and programs of other Cities and ensure Inver Grove Heights is acting in a proactive way with Dakota County.
4. PROPERTY MAINTENANCE: Review existing property maintenance practices of Inver Grove Heights and other metro cities and recommend best practices for future consideration.

Suggested Education Programs:

1. CDA LIAISON: Establish a CDA liaison (Volunteer or Staff) that works with, follows and compliments educational efforts and programs at the County level in an effort to help Inver Grove Heights residents utilize available resources that benefit the entire Inver Grove Heights housing stock.
2. INFORMATION TO PUBLIC: Provide a stand or kiosk for CDA literature at City Hall for residents. Also provide a well placed web site link from the City's web page to Dakota County's CDA web site. Also add educational information to the City's Quarterly "Insights" newsletters.

It is important for a large City like Inver Grove Heights to stay current on housing issues that impact the City. It is not practical to add this responsibility onto a current position or to finance additional employees, so an interested volunteer committee is the best way to accomplish this goal.

## SENIOR HOUSING

The Housing Task Force recommends that Inver Grove Heights encourage research into the many facets of Senior Housing. This could be done through staff recommendations to the City Council, or in conjunction with a specially formed permanent Housing Committee. The areas researched should include:

1. **ACCESSORY HOUSING:** Different forms of accessory housing including "Mother-in-law apartments" which would allow families to modify existing housing or construct new housing which would allow several generations of the same family to live together in order to assist senior members of the family to "age in place".
2. **CDA ASSISTANCE:** Ways to work closely with the CDA to assess the need for more senior housing in IGH, determine methods the city could use to partner with the CDA in providing this housing, and educate the citizens of IGH about the different types of senior housing available.
3. **AVAILABILITY STUDY:** A study of all existing senior housing in IGH, including the number of units available, criteria for residency in those units, and the cost of living in those units, whether it is market rate or affordable. This study should also include types of senior housing that are not currently available in IGH, (i.e. cottage style senior housing), whether there is a need for other forms of senior housing, and how that need could be addressed.

## AFFORDABLE HOUSING

The Housing Task Force recommends that the City of Inver Grove Heights adopt proactive policies that insure the building and maintenance of affordable housing. Specifically the city needs to meet its identified affordable housing need of 871

units between 2011 and 2020. This should include rental units, owner occupied homes and senior housing. To fulfill this recommendation the Housing Task Force recommends:

1. AFFORDABLE HOUSING INCENTIVES: Identify and adopt incentives the City can provide to developers (density bonuses, accelerated permits and review processes, fee waivers, other regulatory relief) which can be provided in exchange for developers to include affordable units in market rate developments. See attachment B: Minnesota Toolbox
2. MULTI CITY JOINT POWERS AGREEMENT: develop a multi-city joint powers agreement with its bordering neighbor cities that create and adopt zoning policies which promote fairness and equity in establishing and building affordable housing. These policies should include a variety of tools (Urban Land Institute-Minnesota tool box) that will be used to implement these zoning policies.
3. FLEXIBLE HOUSING STANDARDS: adopt flexible performance standards to attract development that will take advantage of future transit oriented plans.
4. RENOVATION OF EXISTING HOUSING STOCK: research effective programs and adopt development policies that create and maintain affordable housing within areas where housing stock is being renovated. The City needs to be proactive in identifying and acquiring degraded properties, renovate the structures and resell them.
5. CDA PARTNERING: The City should look for ways to fund projects in partnership with the CDA and other organizations that help insure affordable housing. This may also include the creation of land trusts to help maintain a long-term affordability.

The premise for these recommendations is contained within the Comprehensive plan. The City has fallen short of its established goal for the past decade. An editorial in the Minneapolis Star/Tribune three years ago says in part, "good plans aren't enough, you have to act". The City needs to be proactive in identifying developers who have the interest and will to include affordable housing in their developments. The City needs to engage with its neighbors to create a level playing field that insures developers do not try to 'play-off' one against another. Affordable housing is a regional obligation as much as it is an individual city's obligation.

# INVER GROVE HEIGHTS

## 2010 HOUSING TASK FORCE



|  | HOUSING COMMITTEE | AFFORDABLE HOUSING | SENIOR HOUSING | EDUCATION |
|--|-------------------|--------------------|----------------|-----------|
| ESTABLISH IGH HOUSING COMMITTEE  | X                 | X                  | X              | X         |
| Market Study Update (Partner with CDA)                                     | X                 |                    |                |           |
| Study Affordable Housing Supply & Future Needs                             |                   | X                  |                |           |
| Study Senior Housing Supply & Future Needs                                 |                   |                    | X              |           |
| Evaluate Senior Housing Criteria, Costs, Types Available & Needed          |                   |                    | X              |           |
| Rental Housing Licensing Policies  | X                 | X                  | X              |           |
| Foreclosure Policy Monitoring  | X                 |                    |                |           |
| Property Maintenance Policy Review   | X                 |                    |                |           |
| Provide Information Stand (at Bldg Dept.)                                  |                   |                    |                | X         |
| Provide CDA web link on City Web Site                                      |                   |                    |                | X         |
| Add Info to City's "Insights" Quarterly Newsletter                         |                   |                    |                | X         |
| Establish CDA Liaison (Volunteer or Staff)                                 |                   |                    |                | X         |
| Encourage Renovation of Housing Stock to Affordable Housing                | X                 | X                  |                |           |
| Acquire Properties, Renovate & Resell as Affordable (with CDA)             |                   | X                  |                |           |
| Focus on 2020 Affordable Housing Goals & Deficit per Comp Plan             |                   | X                  |                |           |
| Provide Incentives to Developers to Encourage Affordable Units             |                   | X                  |                |           |
| Promote Equity in Establishing & Building Affordable Housing               |                   | X                  |                |           |
| Adopt Flexible Standards to Attract Transit Oriented Development           |                   | X                  | X              |           |
| Work with CDA to Fund Affordable Housing Programs                          | X                 | X                  |                |           |
| Research Successful Senior Housing Programs                                | X                 |                    | X              |           |
| Research Successful Affordable Housing Programs                            | X                 | X                  |                |           |
| Consider Allowing "In-Law" Apartments & Multi-Generational Family Policies | X                 | X                  | X              |           |
| Educate Residents on How to Stay and Age in IGH                            |                   |                    | X              | X         |
| Partner with CDA to Maintain Adequate Senior Housing in IGH                |                   |                    | X              |           |

# INVER GROVE HEIGHTS

## 2010 HOUSING TASK FORCE



|  | HOUSING COMMITTEE | AFFORDABLE HOUSING | SENIOR HOUSING | EDUCATION |
|--|-------------------|--------------------|----------------|-----------|
| ESTABLISH IGH HOUSING COMMITTEE  | X                 | X                  | X              | X         |
| Market Study Update (Partner with CDA)                                     | X                 |                    |                |           |
| Study Affordable Housing Supply & Future Needs                             |                   | X                  |                |           |
| Study Senior Housing Supply & Future Needs                                 |                   |                    | X              |           |
| Evaluate Senior Housing Criteria, Costs, Types Available & Needed          |                   |                    | X              |           |
| Rental Housing Licensing Policies  | X                 | X                  | X              |           |
| Foreclosure Policy Monitoring  | X                 |                    |                |           |
| Property Maintenance Policy Review   | X                 |                    |                |           |
| Provide Information Stand (at Bldg Dept.)                                  |                   |                    |                | X         |
| Provide CDA web link on City Web Site                                      |                   |                    |                | X         |
| Add Info to City's "Insights" Quarterly Newsletter                         |                   |                    |                | X         |
| Establish CDA Liaison (Volunteer or Staff)                                 |                   |                    |                | X         |
| Encourage Renovation of Housing Stock to Affordable Housing                | X                 | X                  |                |           |
| Acquire Properties, Renovate & Resell as Affordable (with CDA)             |                   | X                  |                |           |
| Focus on 2020 Affordable Housing Goals & Deficit per Comp Plan             |                   | X                  |                |           |
| Provide Incentives to Developers to Encourage Affordable Units             |                   | X                  |                |           |
| Promote Equity in Establishing & Building Affordable Housing               |                   | X                  |                |           |
| Adopt Flexible Standards to Attract Transit Oriented Development           |                   | X                  | X              |           |
| Work with CDA to Fund Affordable Housing Programs                          | X                 | X                  |                |           |
| Research Successful Senior Housing Programs                                | X                 |                    | X              |           |
| Research Successful Affordable Housing Programs                            | X                 | X                  |                |           |
| Consider Allowing "In-Law" Apartments & Multi-Generational Family Policies | X                 | X                  | X              |           |
| Educate Residents on How to Stay and Age in IGH                            |                   |                    | X              | X         |
| Partner with CDA to Maintain Adequate Senior Housing in IGH                |                   |                    | X              |           |

## Attachment B

### List of all Roles and Policies in the Minnesota Toolbox

In the Minnesota Toolbox of HousingPolicy.org you will find a wide array of information on the many ways that states and localities can increase the availability of homes for working families. Scroll down to see our complete list of roles for states and communities, and the policies associated with each of these roles.

Please **Contact Us** if you have suggestions for additional roles and policies you would like to see covered.

#### ***Special Section: Leadership for Improving the Community***

Building Better Communities

Public Participation

#### **Generate Capital for Housing Options**

Utilize Tax Increment Financing to Fund a Mix of Housing

Stimulate Construction or Rehab Through Tax Abatements

Adopt Tax Levies in Support of Housing Strategies

Create or Expand Dedicated Housing Trust Funds

Expand and Support Use of the Low-Income Housing Tax Credit

Provide Pre-Development and Acquisition Financing

Support Housing Bond Issues

Use Cross-Subsidies to Support Mixed-Income Communities

#### **Preserve Existing Housing and Neighborhoods**

Preserve Rental Options

Preserve Ownership Housing Options

Strengthen and Promote Existing Neighborhoods

Support and Expand Housing Improvement Areas for Common Interest Properties

Encourage Energy Efficiency

#### **Expand Opportunities for New Housing**

Expand the Supply of Homes through Rezoning and Regulatory Tools

Make Publicly-Owned Land Available for Affordable Workforce Homes

Redevelop Brownfield Sites for New Housing

Facilitate Reuse of Abandoned, Vacant, and Tax-Delinquent Properties

Encourage Green Building Techniques and Policies

Adopt Local Policies in Support of Housing Choice

#### **Provide Efficient Use of Local Development Tools**

Ensure Land Use and Zoning Policies Support a Diversity of Housing Types

Adopt Expedited Permitting and Review Policies

#### **Help Residents Succeed**

Expand Homeownership Education and Counseling

Create and Expand Downpayment Assistance

Prevent Foreclosures and Help Affected Renters and Owners  
Reduce Household Energy Costs  
Create and Expand Homeowner Renovation Assistance  
Encourage Employers' Commitment to Affordable Homes for Workers  
Provide Access to Specialized Housing Services

**Support of Connected, Livable Communities**

Link Transportation Policies and Land Use  
Promote Sustainable Development Patterns  
Support Active and Healthy Living