

*The Board of Health will consider the following three amendments to the proposed ordinance for residential heaters (e.g. outdoor wood boilers and wood furnaces). The amendments will be voted on separately prior to a vote on the full ordinance.*

### **Amendment #1: Maximum Stack Height Specification**

Amend Section 10.8(3)b to read as follows:

- 3) The residential heater shall either:
- a) be no closer than 200 feet to the nearest property zoned USR, RR1, RR2, or RR3 not served by the residential heater; OR
  - b) have, by no later than September 15, 2010, a permanent stack that extends two feet higher than the peak of any roof structure that is located within 300 feet of the residential heater not served by the residential heater but no less than 15 feet above ground level **and need be no greater than 25 feet above ground level.**

**Intent:** Public comment was submitted requesting the Air Quality Division to consider a maximum stack specification. In areas with two story homes, a stack height requirement of “2 feet above the peak of the roof,” which is a manufacturer’s recommend best practice, could lead to a situation with stacks that are greater than 30 feet tall. The Air Quality Division conducted air dispersion modeling of a representative area in Central City (narrow lot lines, two story homes) and determined that a stack height of 25 feet adequately protects the ambient air quality standard for fine particulate matter (PM<sub>2.5</sub>) in areas with 2 story buildings.

### **Amendment #2: Inclusion of Zoning Designations Village Residential (VR) and Village Mixed-Use (VM)**

Amend Section 10.8(3)b and 10.8(3)c to read as follows:

- b. Residential heaters located on property that is incorporated or zoned Urban Service Residential (USR), Rural Residential 1 (RR1), Rural Residential 2 (RR2), ~~or~~ Rural Residential 3 (RR3), or **Village Residential (VR) or Village Mixed-Use (VM):**
- 1) The owner shall not operate the residential heater during the period starting May 15 and ending September 15.
  - 2) Excluding untreated wood or biomass generated on site that may be openly burned pursuant to Section 10.10 of this ordinance, the owner shall not combust more than 18,000 lbs (5 cords) of fuel per annual heating season.
  - 3) The residential heater shall either:
    - a) be no closer than 200 feet to the nearest property zoned USR, RR1, RR2, ~~or~~ RR3, **VM, or VR** not served by the residential heater; OR
    - b) have, by no later than September 15, 2010, a permanent stack that extends two feet higher than the peak of any roof structure that is located within 300 feet of the residential heater not served by the residential heater but no less than 15 feet above ground level.
- c. Residential heaters located on property that is NOT incorporated or zoned Urban Service Residential (USR), Rural Residential 1 (RR1), Rural Residential 2 (RR2), ~~or~~ Rural Residential 3 (RR3), **Village Residential (VR), or Village Mixed-Use (VM):**

- 1) Excluding untreated wood or biomass generated on site that may be openly burned pursuant to Section 10.10 of this ordinance, the owner shall not combust more than 54,000 lbs (15 cords) of fuel per annual heating season.
- 2) If the residential heater is within 500 feet of an occupied structure not served by the boiler, then by no later than September 15, 2010, the residential heater shall have a permanent stack that extends 15 feet above ground level.
- 3) The owner of a residential heater may elect to comply with the requirements of subparagraph "b" of this section rather of the requirements specified in subparagraph "c."

**Intent:** Two residential zoning designations were overlooked and not included in the current proposed ordinance. This amendment would correct that oversight to include Village Residential (VR) and Village Mixed-Use (VM). There are 419 addressed properties zone VR and 51 addressed properties zoned VM.

The Village Residential District is intended to maintain the existing character of residential neighborhoods within the rural villages, while encouraging rehabilitation of existing buildings and ensuring that new infill development can occur in a way that is compatible with the existing character.

The purpose of the Village Mixed-Use District is to encourage the rehabilitation and re-use of existing commercial buildings within the rural villages, as well as the development of new neighborhood-serving commercial uses where appropriate, as identified through a community planning process. In order to maximize the possibilities for re-use of existing buildings, all permitted and conditional uses allowed in the Village Residential District are also allowed in the Village Mixed-Use District.

**Amendment #3: Modification of Applicability of Non-Residential Properties Adjacent to Residential Properties**

- b. Residential heaters located on property **or adjacent to property** that is incorporated or zoned Urban Service Residential (USR), Rural Residential 1 (RR1), Rural Residential 2 (RR2), or Rural Residential 3 (RR3):
  - 1) The owner shall not operate the residential heater during the period starting May 15 and ending September 15.
  - 2) Excluding untreated wood or biomass generated on site that may be openly burned pursuant to Section 10.10 of this ordinance, the owner shall not combust more than 18,000 lbs (5 cords) of fuel per annual heating season.
  - 3) The residential heater shall either:
    - a) be no closer than 200 feet to the nearest property zoned USR, RR1, RR2, or RR3 not served by the residential heater; OR
    - b) have, by no later than September 15, 2010, a permanent stack that extends two feet higher than the peak of any roof structure that is located within 300 feet of the residential heater not served by the residential heater but no less than 15 feet above ground level.
- c. Residential heaters **NOT located on or adjacent to** property that is ~~NOT~~ incorporated or zoned Urban Service Residential (USR), Rural Residential 1 (RR1), Rural Residential 2 (RR2), or Rural Residential 3 (RR3):
  - 1) Excluding wood or biomass generated on site that may be openly burned pursuant to Section 10.10 of this ordinance, the owner shall not combust more than 54,000 lbs (15 cords) of fuel per annual heating season.

- 2) If the residential heater is within 500 feet of an occupied structure not served by the boiler, then by no later than September 15, 2010, the residential heater shall have a permanent stack that extends 15 feet above ground level.
- 3) The owner of a residential heater may elect to comply with the requirements of subparagraph "b" of this section rather of the requirements specified in subparagraph "c."

**Intent:** Public comment received on the draft ordinance indicated that properties zoned residential and non-residential in some portions of Linn County are inter-mixed (e.g. multiple properties zoned AG and RR1, RR2, RR3 are adjacent). This circumvents the intent of the ordinance requiring residential properties to limit use during the heating season, to 5 cords of wood, and to raise stacks to a sufficient height when within 300 feet of a neighboring residence. The proposed amendment requires all agricultural and other non-residential properties that are adjacent to residential properties conform to the stricter residential property ordinance provisions. The following diagram represents one area in Linn County where the mixed zoning exist with property owners zoned residential and agricultural.

