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CITY OF ST. JOSEPH

**St. Joseph Planning Commission
Monday, January 9th, 2022
6:00 PM**

**St. Joseph Council Chambers
75 Callaway St E**

****The meeting will also be available through Zoom****

1. Call to Order
2. Pledge of Allegiance
3. Public Comment
4. Agenda Review and Adoption
5. Approve Minutes – November 14th, 2022
6. New Business
 - a. 2023 Chair and Vice Chair nomination
 - b. Wood boiler's and outdoor stoves
7. Old Business
8. Other Business
9. Adjourn

ZOOM INFORMATION

Join Zoom Meeting

<https://us06web.zoom.us/j/87642407431?pwd=bXlkL3NlM2VKNXVMdmk2MC91b1YxUT09>

Meeting ID: 876 4240 7431

Passcode: 797162

One tap mobile

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75 Callaway Street East | Saint Joseph, Minnesota 56374

Email: cityoffices@cityofstjoseph.com | Phone: 320.363.7201 | Fax 320.363-0342

Pursuant to due call and notice thereof, the Planning Commission for the City of St. Joseph met On Monday, November 14th, 2022 at 6:00 PM. in the St. Joseph City Hall opening with the Pledge of Allegiance.

Planning Commission Members Present: Commissioners Mike Osterman, Keith Louwagie, Bob Loso, Anne Jarrell, Carmie Mick, Adam Scepianiak

Absent: Gina Dullinger

Staff Present: Nate Keller, Community Development Director

Approval of the Agenda: **Loso made a motion to approve the agenda. The motion was seconded by Scepianiak and passed unanimously by those present.**

Others in attendance: Mayor Rick Schultz

Schultz addressed the Commission and congratulated Scepianiak on his recent election win as a City Council Member and noted to the Commission there are term updates and new appointees that will take place in 2023.

Approval of the Minutes: **Loso made a motion to approve the minutes of October 10th, 2022; the motion was seconded by Scepianiak and passed unanimously by those present.**

New Business:

a. Public Hearing – Ordinance Amendment Request – Gyms/Indoor Athletic Facilities in I-1 District

Keller informed the Commission that an ordinance amendment request has been made to allow Gyms/Athletic Facilities within I-1 Light Industrial District. Staff has worked with the applicant on this request and directed applicant to apply for a Zoning Ordinance amendment based on discussion of proposed use. Staff believes the amendment will be a good fit in the short- and long term. It is common to see the proposed use within Industrial Zoned property. Keller noted our comprehensive plan has a goal that focuses on reviewing land use and zoning standards to make sure they are relevant, and this helps fit that need by creating flexibility for new opportunities like this in our Industrial area.

Mick opened the public hearing at 6:07 PM.

Amy Rodine, 1305 Mockingbird Loop, Sartell, MN 56377, spoke regarding her request. Amy and her husband currently have a gym in Waite Park, MN that has been in business for 15 years. They would like to relocate the business to St. Joseph.

Mick closed the public hearing at 6:08 PM, as no one else wished to speak.

Loso motioned to approve proposed Zoning Ordinance amendment #2022-TBD; seconded by Louwagie and passed unanimously.

Old Business:

a. Cannabis and Zoning

Keller summed up the discussion had at the October 10th PC meeting. Previously the Commission recommended allowing the sale of cannabinoid products in the B-1 and B-2 district. A buffer was recommended at 500' from other establishments and a 1,000' radius from schools and public parks. Keller shared a change in revised drafted language tied to the licensing and sale of THC products, the elimination of "youth-oriented facility" and different buffer references in the document. Staff is looking for direction from the Commission on buffer zones, whether retail establishments that sell cannabinoid products along with other products be treated differently than a business who focuses solely on the sale of cannabinoid products and zoning regulations.

The Commission discussed the previously talked about buffer zones and would like to consider removing the buffer completely or reduce previously recommended buffer zones so more businesses could

potentially be in the downtown commercial district. The Commission discussed having a buffer zone tied to a business that solely sells cannabinoid products (like a dispensary) vs. a business that sells products other than cannabinoids. Currently the City would not allow a dispensary as it is not listed as an allowable use in the zoning ordinance. If the City chooses to forgo adopting license regulations businesses would follow state law with regards to selling cannabinoid products. Administration plans on adopting licensing regulations similar to our alcohol and tobacco licensing.

A couple of options the commission has are to not adopt zoning regulations and wait until a business comes forward with a dispensary request or insert a dispensary use and create buffers and zoning regulations proactively. Staff will look at other potential buffers or lesser distances for a dispensary use. The Commission came to a consensus on having businesses who sell cannabinoid products (in addition to other products) go through the licensing and regulation process and leaving the zoning piece for future discussions. Staying silent on a dispensary use within the Zoning code means the use is not allowed and applicants would need to put forth a zoning amendment request.

Other Business:

a. 2023 Planning Commission Schedule

There are no changes on the proposed time and day of month the Planning Commission meeting will be held. All meetings will occur on the 2nd Monday of the month at 6 PM.

Louwagie made a motion to approve 2023 Planning Commission Schedule; seconded by Scepaniak and passed unanimously.

Adjourn: **Louwagie made a motion to adjourn the meeting at 6:39 PM; seconded by Loso and passed unanimously.**

Minutes approved by:

Nate Keller
Community Development Director



MEETING DATE: January 9th, 2023
AGENDA ITEM: Wood boiler's and outdoor stoves
SUBMITTED BY: Community Development

STAFF RECOMMENDATION: Review sample ordinances and get draft ordinance ready for Feb. meeting.

PREVIOUS PLANNING COMMISSION ACTION: None

BACKGROUND INFORMATION:

Staff have received a few complaints regarding outdoor stoves and wood boilers. Currently the city requires a building permit but we have no ordinance in place. Therefore, the only regulations wood boilers and outdoor stoves need to follow is the manufacturers specifications. Adopting an ordinance can prohibit these structures or severely limit by placing stricter setbacks, placement and regulations.

Staff is asking the Commission to review sample ordinances and provide guidance on prohibiting them, or severely restricting. In addition to sample language provided in packet more sample ordinances can be found at: <https://www.pca.state.mn.us/sites/default/files/aq1-60a.pdf>



ATTACHMENTS: **Sample ordinances**
Additional ordinances can be found at:
<https://www.pca.state.mn.us/sites/default/files/aq1-60a.pdf>
MPCA report - <https://www.pca.state.mn.us/sites/default/files/aq-ei4-47.pdf>

REQUESTED PLANNING COMMISSION ACTION: Review sample ordinances and provide recommendation on language that should be incorporated in ordinance.

SAMPLE ORDINANCES

SARTELL

4-6-2

I. Smoke, Fumes: Dense smoke, noxious fumes, gas and soot or cinders in unreasonable quantities as stated by State and Federal air quality standards & to include the following:

1) Outdoor Solid Fuel Heating Device: A device, structure, or apparatus, which supplies direct or indirect heat from the burning of solid fuel, including but not limited to wood, to a building.

2) Stacks or Chimneys: Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel fired heating.

3) Outdoor solid fuel heating devices are prohibited and shall not be installed or operated within the City of Sartell.

4) All existing solid fuel units installed within the City limits at the time of adoption of this ordinance or annexed into the City limits following the adoption of this ordinance are required to meet emission standards currently required by the Environmental Protection Agency(EPA), which are hereby adopted by reference together with any amendments or modifications made to them in the future.

A) The minimum stack height for any solid fuel-fired heating device shall meet or exceed the manufacturer's guidelines.

B) Any existing non-complying stack shall be removed, replaced, or modified within a period of 60 days from the receipt of a notice generated from the Building Official.

C) All stacks or chimneys must be constructed to withstand high winds or other related elements.

D) Outdoor solid fuel heating devices may only be used from September 1st to May 31st each year, unless the furnace is being used to provide domestic water service.

E) Only the following materials may be burned in the outdoor solid fuel heating devices: biomass pellets, corn, firewood, and clean, untreated lumber or other wood product.

F) No outdoor solid fuel-heating device shall be utilized in any manner as a waste incinerator.

SAUK RAPIDS

SECTION 8.08 OUTDOOR SOLID FUEL HEATING DEVICES.

Subd. 1. Definitions.

Outdoor Solid Fuel Heating Device: A device, structure, or apparatus, which supplies direct or indirect heat from the burning of solid fuel, including but not limited to wood, to a building.

Stacks Or Chimneys: Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel fired heating.

Subd. 2. Outdoor solid fuel heating devices are prohibited and shall not be installed or operated within the City of Sauk Rapids.

Subd. 3. All existing solid fuel units installed within City limits at the time of adoption of this ordinance are required to meet emission standards currently required by the Environmental Protection Agency (EPA), which are hereby adopted by reference together with any amendments or modifications made to them in the future.

A. The minimum stack height for any solid fuel-fired heating device shall meet or exceed the manufacturers' guidelines.

B. Any existing non-complying stack shall be removed, replaced, or modified within a period of 60 days from the receipt of a notice generated from the Building Official.

C. All stacks or chimneys must be constructed to withstand high winds or other related elements.

D. Outdoor solid fuel heating devices may only be used from September 1ST to May 31ST each year, unless the furnace is being used to provide domestic water service.

E. Only the following materials may be burned in the outdoor solid fuel heating devices: biomass pellets, corn, firewood, and clean, untreated lumber or other wood product.

F. No outdoor solid fuel-heating device shall be utilized in any manner as a waste incinerator.

EAGAN

Subd. 10.

Outdoor wood boiler systems.

A.Purpose. This section is intended to ensure that outdoor wood boilers are utilized in a manner that does not create a public nuisance and is not detrimental to the health, safety and general welfare of the residents of the city.

B.Definitions. For the purposes of this section, the following definitions shall apply:

1.*Clean fuel.* Natural dry wood (which has not been painted, varnished or coated with a similar material, has not been pressure-treated with preservatives and does not contain artificial resins or glues as in plywood or other composite wood products), corn, wood pellets, other fuel pellets and other solid fuels approved by the Environmental Protection Agency.

2.*Outdoor wood boiler.* An appliance installed out-of-doors and designed to transfer or provide heat, via liquid or other means, through the burning of clean fuel for heating purposes. Also known as outdoor hydronic heaters. Outdoor wood boiler does not include a fire pit or wood-fired barbeque.

3.*Public nuisance.* An outdoor wood boiler operated or maintained in a manner which creates any dense smoke, noxious fumes or noxious gas, or releases soot or cinders in unreasonable quantities.

C.Regulations and requirements. An outdoor wood boiler shall be allowed as a use in all zoning districts, subject to the following provisions:

1.A building permit must be obtained to assure that all outdoor wood boilers meet all Minnesota State Building and Fire Codes, and manufacturer's specifications for installation, and the permit application must include:

(a)A site plan or survey, illustrating the dimensions of the property, including location of buildings and the wood boiler relative to the lot lines.

(b)Manufacturer's specifications for installation.

(c)Applicable building permit fee.

2.An outdoor wood boiler shall be located at least 300 feet from all property lines.

3.An outdoor wood boiler shall not be operated or maintained in a manner which creates a public nuisance.

4.An outdoor wood boiler shall burn clean fuel only.

5.Outdoor storage of clean fuel shall be in compliance with City Code requirements.

6.All requirements for installation and maintenance of the outdoor wood boilers shall be met, including but not limited to local, state and federal regulations and manufacturer's specifications.

D.Existing outdoor wood boiler systems. Outdoor wood boilers installed prior to the adoption of this subdivision shall be operated in compliance with the requirements of this subdivision, except that the distance requirement set forth in subsection (C) above shall not apply.