

WABASHA PLANNING COMMISSION

Join Zoom Meeting

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December 14, 2021 6:00 PM

MEETING AGENDA

- 1) Call to Order
- 2) Approval of Minutes-
 - a) Minutes from 10-12-21
- 3) Changes or Additions to Agenda
- 4) Public Comment
- 5) Public Hearings
- 6) Old Business
- 7) New Business
 - a) Short Term Rental Discussion
- 8) Board of Adjustment Business
- 9) Other Business
 - a) Term Limits for 2021
- 10) Next Regular Meeting Date - January 11, 2022
- 11) Adjourn

Planning Commission

2) a)

Meeting Date: 12/14/2021

SUBJECT: Minutes from 10-12-21

DEPARTMENT: Administration

TITLE:

Minutes from 10-12-21

PURPOSE:

Attachments

10-12-21

DRAFT

WABASHA PLANNING COMMISSION

October 12, 2021 6:00 PM

MEETING MINUTES

Commission Members: Tim Wallerich, Chair Sara Carrels, Vice Chair
 Scott Durand Sharon Burke
 Ozzie Goodman Jeff Sulla
 Kris Kruse

Present: Scott Durand; Chair Tim Wallerich; Kris Kruse; Sara Carrels; Jeff Sulla; Ozzie Goodman

Absent: Sharon Burke

Also Present: Harry Davis, Contracted City Planner; Wendy Busch, City Clerk

- 1) Call to Order
 Chair Wallerich called the meeting to order at 6:00 p.m.

- 2) Approval of Minutes-

- a) Planning Commission Minutes 7-13-2021

Motion made by Scott Durand, seconded by Sara Carrels to approve the meeting minutes as drafted.

Vote: 6 - 0 Adopted - Unanimously

Other: Sharon Burke (ABSENT)

- 3) Changes or Additions to Agenda
 There were no changes or additions to the agenda.

- 4) Public Comment
There was no public comment regarding items not listed on the agenda.

5) Public Hearings

- a) Amendment to Solar CUP 1712 Hiawatha Dr. East
City Planner Davis provided background information and rationale for the proposed CUP amendment. He discussed City Code requirements that have changed since the CUP was initially approved. He stated that a grading plan has not been received, noting that this was a requirement of approval of the original CUP. He stated that the solar panels will need to be at the same elevation to each other. He noted that the performance standards for solar gardens require the submission of a decommissioning plan, adding that some sort of surety or bond is now required as part of the ordinance. He reviewed screening and setback requirements. He noted that variances may need to be requested relating to the setbacks. City Planner Davis referenced two potential resolutions for Planning Commission consideration, following the public hearing. The site map for the project was reviewed.

Chair Wallerich opened the public hearing at 6:09 p.m.

TJ Ozomoru, solar developer with IPS Solar, spoke on behalf of the applicant. He stated that a grading plan, a decommissioning plan, and a maintenance plan will be submitted as soon as possible. He indicated that the 100-foot setback requirement may be challenging and noted that a variance may be requested. He stated that the additional grove of trees on the south side will not be a problem. The evergreen trees were further discussed.

When asked when construction would begin, Mr. Ozomoru indicated that if the CUP amendment is approved, construction may begin yet this fall, but otherwise construction may be delayed until next spring.

Flood plain considerations and shoreland requirements were discussed.

Chair Wallerich closed the public hearing at 6:13 p.m.

Potential conditions of approval of the CUP amendment were discussed. The current setback requirements were referenced. Discussion was held regarding whether the project could be grandfathered in relating to the setback requirements or a variance granted in this regard. It was suggested that the applicant either adjust their proposal or submit a variance request. Financial requirements were clarified.

It was agreed that conditions of approval should include the following:

- 1) Adjust the arrays to meet the 100-foot setback, or apply for a variance.
- 2) Adjust the proposal to have the solar structures located at the same elevation to each other.

Motion made by Sara Carrels, seconded by Jeff Sulla to approve the proposed CUP amendment, with the conditions of approval as discussed.

Vote: 6 - 0 Adopted - Unanimously

Other: Sharon Burke (ABSENT)

- 6) Old Business
There was no old business.
- 7) New Business
There was no new business.
- 8) Board of Adjustment Business
There was no Board of Adjustment business.
- 9) Other Business
There was no other business.
- 10) Next Regular Meeting Date - November 9, 2021
- 11) Adjourn

Motion made by Sara Carrels, seconded by Scott Durand to adjourn the meeting. The meeting adjourned at 6:17 p.m.

Vote: 6 - 0 Adopted - Unanimously

Other: Sharon Burke (ABSENT)

Respectfully submitted by: _____
Wendy Busch, City Clerk

Adopted Date

Planning Commission

7) a)

Meeting Date: 12/14/2021

SUBJECT: Short Term Rental Discussion

DEPARTMENT: Administration

TITLE:

Short Term Rental Discussion

PURPOSE:

Staff has been asked to initiate a discussion with the Planning Commission on Short Term Rental properties and their place within the zoning Ordinance. In the past the planning commission requested that the zoning ordinance be written to allow for the use of short term rental properties. This is different from a Bed and Breakfast, hotel or motel. City Planner Davis has provided a staff memo for the commission to review.

Attachments

Staff Memo



MEMORANDUM

Date: 12/14/21
To: Wabasha Planning Commission
Wendy Busch, City Clerk
From: Harry Davis, AICP
Subject: Short Term Rentals
Wabasha, MN

Background:

Staff has been asked to provide some insight regarding short-term rentals and whether Wabasha should begin regulating and enforcing restrictions or requirements on existing and future short-term rental properties.

Findings:

Current Ordinance

Wabasha currently does not have a way to define short-term rentals beyond the definition of a dwelling unit:

“Dwelling Unit. Any room or group of rooms located within a dwelling forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, eating and sanitation by one family (with a connection to public or private sewer).”

Note that the above definition does not specify a minimum timeframe that disassociates itself between hotel/motel or transient accommodations and more consistently-occupied units like single family and apartments. Definitions that come close to encompassing short-term rentals, but have aspects that exclude them, are hotel/motel, bed and breakfast, and campground (aspects that typically cause short term rentals to be excluded are underlined):

“Hotel/motel. A structure or group of structures in which three or more units for lodging are offered to transient guests with furnishing of sleeping accommodation in rooms or suites of rooms for compensation, and may also include an ancillary eating establishment, gift shop or other ancillary tourist services available to guests and/or to the general public.”

“Bed and breakfast. An establishment in a single-family dwelling that provides temporary accommodations to overnight guests for compensation and meals for a daily or weekly fee.”

“Campground. An open-air recreation area where temporary shelters are allowed and intended to provide transient occupancy and associated buildings and accessory structures and offices used in the operation of the facility.”

Name:

Date:

Page:

There are other aspects where a short-term rental may come into regulation include accessory dwellings on a property, but those also do not fall under anything but a dwelling unit definition with regards to short-term rentals.

Therefore, from a purely local standpoint, Wabasha classifies short-term rentals as dwelling units and collects, per state requirement, a lodging tax from rental operators. This does not mean that Wabasha is out of compliance by not regulating short-term rentals, but there are benefits and costs to regulating them.

Regulating Short-Term Rentals

In terms of what short-term rentals bring to a city, they provide a lot of support for nearby businesses and may create their own niche business markets in the operation of short-term rentals. They embody a new kind of “sharing” economy, where you may not use something all the time and would not mind renting it to others to generate income. Tourism is a driving force behind short-term rentals and the taxes and sales support the city and local economy.

On the inverse, short-term rentals can create activity in residential neighborhoods that may not be in-character for the area (noise, crime, litter, etc.). In some situations, using dwellings for short-term rentals may reduce the available housing stock for people moving to or within the city. These units may also be affordable to lower income families or individuals, which further restrict where they can live. When it comes to competition with hotels, bed and breakfasts, and other transient or semi-transient housing, short-term rentals are not held to the same standards of safety.

When you regulate short-term rentals, you can guide and restrict short-term rentals from some or most negative impacts. There are a number of things to consider before you embark on regulating them:

1. What is the reason for regulating them?
Is the reason due to impacts on adjacent properties? Would regulating short-term rentals help solve a perceived or verified housing shortage? Would regulating the short-term rental market fix poor local performances of hotel and bed and breakfast businesses?
2. How should the ordinance consider short-term rentals?
Should there be a definition of short-term rentals? Should this become a use that is further restricted by zoning district? Is the requirement of a rental license enough or should there be performance standards? Should there be different kinds (or tiers) of restrictions on short-term rentals between owner-occupied and non-owner occupied properties? What areas of the city are most appropriate to have a short-term rental?
3. What is the process for reviewing, approving, and enforcing a short-term rental?
Should the process for allowing short-term rentals be permitted by the Zoning Administrator, or Planning Commission, or City Council? Should the city enlist help to enforce short-term rental requirements? What is the impact on staff time and budget to enforce restrictions on our own versus partnering with another organization? What organizations are out there to help streamline the enforcement process?

To help the Planning Commission brainstorm and provide local comparisons for inspiration, I have attached some rough notes about short-term rentals elsewhere in Minnesota.

Recommendation:

Staff suggests the Planning Commission consider and discuss the following:

1. Consensus Building
The city should have a joint meeting between various parties regarding short-term rentals and ask the above questions. City Council, Planning Commission, the EDA, Chamber, stakeholders (short-term operators and owners; hotel/motel/B&B owners and operators), and the general public

Name:
Date:
Page:

come to mind as needing a seat at the table to discuss what regulating short-term rentals means to them. I do not recommend starting the process without building consensus. The outcome of this should be a clear direction to start or begin collecting research to help refine the scope or regulations.

2. Housing Study

If the city and the public believe short-term rentals create a negative impact on housing availability and affordability, the city should conduct a housing study to determine what housing looks like today and what is needed in the future. The outcomes of this study, such as the number of housing units needed within the next year(s), how many are currently renter- versus owner-occupied, vacancy rates, how many new homes must be at a certain affordability, etc. will provide context and further refine the scope of regulation. If short-term rentals are not a problem for the housing market, then it may not be worth it to restrict the number of them. If they are a risk, then the discussion should become more comprehensive with a look at both short-term rentals and how the city can support the construction of more housing.

3. Where and How to Regulate

Some of the answers regarding where and how to regulate short-term rentals may come out of the consensus building process. The outcome of the ordinance should be clear from the overarching ideas (such as the purpose and intent of the ordinance) to the minute details (safety inspections, permit length, performance standards, definitions).

Attachments:

- Minnesota STR Ordinances
- Red Wing Safety Checklist

- Many cities imposed licensing requirements, treating STRs like any other rental property. Licensing requirements may include annual property and fire inspections in addition to payment of fees.
 - Red Wing
 - Uses a rental program system to register all rental properties
 - Requires a home inspection
 - Defines as semi-transient accommodations
 - Definition: Semi-transient accommodations including boarding houses, rooming houses, retreat centers/vacation homes, fraternity and sorority houses, or lodging rooms, as defined by this Chapter.
 - Further defined into retreat centers/vacation homes
 - Definition: A single-family detached residential structure/property with sleeping and living quarters including cooking facilities, but which meals are not provided, that is wholly rented to one family or one common party for the purpose of overnight lodging for one night or longer, but less than one month. Retreat centers and vacation homes shall not be rented to more than one family or common party at a time, the premises shall not be the primary residence of the owner, the owner or a representative of the owner shall not occupy the premises during the rental period, and the number of guests shall be limited to two per bedroom with a maximum of twelve guests at any one time.
- Spring Park on Lake Minnetonka adopted restrictions limiting where STRs could be located, such as near commercial areas rather than quieter neighborhoods.
 - Red Wing
 - Not allowed in AG, R-1, Neighborhood/General/Mixed General and Central Business (B-1, B-2, B-2A); CUP in Civic District, Mixed Industrial/Office Commercial (MC) District, Mixed Commercial Tourism (MCT) District, R-2, and Central Business (B-3); allowed with certificate of compliance in R-2 and RM
- In an effort to target “party houses,” some local governments like Roseville and Crow Wing County imposed minimum stay requirements of anywhere from 7 days to 30 days, with some variations depending on seasons.
- Rochester treats STRs with five or more beds as “lodging” or “hotel” property, which requires a lodging license that imposes inspection requirements more strict than is the case for traditional residential rentals. Both Rochester and St. Paul require the owners of STRs to pay lodging taxes.
- Prior Lake updated its 2015 ordinance (which allows STRs) to ban new STRs from being rented for less than 60 days.
- Owners of STRs in Duluth must get Planning Commission approval before listing the property for rent.
 - Other Duluth restrictions:
 - Vacation dwelling unit cap at 10% of net increase in new units, or no more than ten new units each year, whichever is less
 - Screening requirements

- Exemption for rentals in form districts (more urban parts)
- OTC annual permit for rentals at a max of 21 days per year, for periods of no more than 7 days and no less than 2 days
- Anything more requires IUP
- In Minneapolis:

If you rent...	Short-term rental ordinance requires...
Room	No registration or license required
Homesteaded unit or condo	- Short-term rental registration required - Post short-term rental information in each unit - List registration ID on the platform listing - Limit occupants to 10, regardless of property size
Non-homesteaded units in a building with less than 20 units	Short-term rental license, including: - List license ID on the platform listing - Limit occupants to 10, regardless of property size - Submit a management and floor plan - Maximum of one non-homesteaded short-term rental unit allowed in the city
Non-homesteaded units in a building with 20 or more units	Short-term rental license, including the requirements above Maximum of 10% of the units in the building can be short-term rentals (doesn't apply to condo buildings)



CITY OF RED WING RENTAL HOUSING HEALTH & SAFETY INSPECTION CHECKLIST



Date:	TIME:
Address:	
Unit #:	PIN:
License #:	

Category	PASS?		Comments
	Yes	No	
	Page 1		
A. General / Structure			
A.1 - Roof: Weathertight <i>(No visible leaks.)</i>			
A.2 - Exterior Walls: Weathertight <i>(No visible holes or leaks; no missing siding.)</i>			
A.3 - Stairs: Integrity and Lighting <i>(Handrails present; no broken steps/supports; is illuminated)</i>			
A.4 - Glass: Integrity <i>(No broken glass.)</i>			
A.5 - All Rooms: Working Light or Window <i>(One working light or window in each room.)</i>			
A.6 - House Numbers <i>(All numbers intact and visible.)</i>			
B. Plumbing			
B.1 - Sinks/Tubs/showers: Operable at Proper Temps. <i>(Operable faucets with hot and cold water.)</i>			
B.2 - Toilets: Operable <i>(At least one toilet is operable.)</i>			
B.3 - Water Heater Pressure & Temp. Relief Valve <i>(Automatic valve is located in top 6 inches of water heater.)</i>			
B.4 - Water Pipes: Free From Leaks <i>(All water pipes shall be free of any leaks.)</i>			
B.5 - Sanitary System: Proper Drainage <i>(Fixtures drain properly; main service has no back up.)</i>			
C. Mechanical System			
C.1 - Furnace <i>(Must be fully operational.)</i>			
C.2 - Furnace & Water Heater: Appropriate Space <i>(No items are stored within 3 feet of heater. Walls are fine.)</i>			
C.3 - Appliances: Venting <i>(Chimney is attached and vents to exterior; no holes or sags.)</i>			
C.4 - Appliances: Gas Valves <i>(A proper gas valve is located at each appliance.)</i>			

Everyone has the right to a safe and healthy place to live.

Category	PASS?		Comments
	Yes	No	
	Page 2		
D. Electrical System			
D.1 - Wiring: Proper Protection <i>(All wiring shall be fully covered and protected.)</i>			
D.2 - Fixtures: Proper Installation <i>(Cover plates on all receptacles, switches & junction boxes.)</i>			
D.3 - Electric Panels: Proper Covers & Access <i>(Panel covers present with at least 30 inches clear access.)</i>			
E. Fire and Life Safety			
E.1 - Exit Doors: Operable <i>(Exit doors must have working positive latches and locks.)</i>			
E.2 - Sleeping Rooms: Egress Window <i>(At least one code-compliant egress window.)</i>			
E.3 - Guardrails on Stairs and Landings <i>(On open side of stairs; on areas 30" or more above floor/ground</i>			
E.4 - Smoke and CO Detectors:			
<i>(a) smoke detector outside each bedroom</i>			
<i>(b) smoke detector inside each bedroom</i>			
<i>(c) smoke detector on each floor without a bedroom</i>			
<i>(d) CO detector within 10 feet of each bedroom</i>			
F. Exterior / Outside			
F.1 - Rodents: Free of Infestation <i>(Premises are free of insect & rodent infestation.)</i>			
F.2 - Garbage: Contained <i>(Garbage is in approved containers.)</i>			
F.3 - Outdoor Walkways: Clear Access <i>(Walkway access is clear of obstructions, snow, and ice.)</i>			
G. Other			
G.1 - Sprinkler & Alarm Panels at Multifamily Units <i>(For buildings of 8 units or more. Must be tested annually.)</i>			
G.2 - Exit Signs at Multifamily Units <i>(For buildings of 8 units or more. Working backup battery.)</i>			
G.3 - Emergency Lights at Multifamily Units <i>(For buildings of 8 units or more. Lights in working order.)</i>			
G.4 - Fire Extinguisher: Operable <i>(For buildings of 8 units or more. Must be operable.)</i>			
G.5 - City Water / Meter Connection <i>(No unlawful bypass by owner.)</i>			
G.6 - Visible Mold Observed by Inspector <i>(Inspector will provide mold information if mold is a concern.)</i>			
G.7 - Visible Peeling, Chipping Paint on Interior Surface <i>(Must be adequately treated and covered.)</i>			

Owner/Agent Name:	Inspector Name:
Owner/Agent Signature:	Inspector Signature:
Owner/Agent Has Obtained Permission from Tenant for Inspection:	Owner signature
OR	
Tenant Hereby Approves Entry for Inspection by the City:	Tenant Signature

Planning Commission

9) a)

Meeting Date: 12/14/2021

SUBJECT: Term Limits

DEPARTMENT: Administration

TITLE:

Term Limits for 2021

PURPOSE:

Term limits for 2021 are Commissioners Burke and Kruse. If you would like to be considered for another term please have a decision for staff to forward to Mayor Durand for consideration of reappointment by the end of December.

PLANNING COMMISSION

3 YEAR TERM

- | | |
|-------------------|------|
| 1. DURAND, SCOTT | 2022 |
| 2. WALLERICH, TIM | 2023 |
| 3. CARRELS, SARA | 2023 |
| 4. BURKE, SHARON | 2021 |
| 5. SULLA, JEFF | 2022 |
| 6. GOODMAN, OZZIE | 2022 |
| 7. KRUSE, KRIS | 2021 |
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