

WABASHA PLANNING COMMISSION

Join us via zoom:

<https://us02web.zoom.us/j/81363047331>

July 12, 2022 6:00 PM

MEETING AGENDA

- 1) Call to Order
- 2) Approval of Minutes-
 - a) Planning Commission Minutes 6-14-2022
- 3) Changes or Additions to Agenda
- 4) Public Comment
- 5) Public Hearings
- 6) Old Business
 - a) Small-Limited Mining Discussion
 - b) Short Term Rental Discussion
- 7) New Business
- 8) Board of Adjustment Business
- 9) Other Business
- 10) Next Regular Meeting Date - **Reschedule due to Primary Election**
- 11) Adjourn

Planning Commission

2) a)

Meeting Date: 07/12/2022

SUBJECT: Planning Commission Minutes 6-14-2022

DEPARTMENT: Administration

TITLE:

Planning Commission Minutes 6-14-2022

PURPOSE:

Attachments

Minutes PC 6-14-2022

WABASHA PLANNING COMMISSION

June 14, 2022 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; Sharon Burke; Sara Carrels; Jeff Sulla; Ozzie Goodman

Also Present: Harry David, Wabasha;

Attendees: Caroline Gregerson, City Administrator

1) Call to Order

?The meeting was called to order at 6 PM by Commissioner Wallerich.

2) Approval of Minutes-

Motion made by Jeff Sulla, seconded by Sara Carrels to approve minutes.

Vote: 6 - 0 Adopted - Unanimously

a) Minutes 5-10-2022

3) Changes or Additions to Agenda

4) Public Comment

Public comments were made by Brenda Pearson requesting the Commission consider regulating short-term rentals.

- 5) Public Hearings
- 6) Old Business
 - a) Short Term Rental Review

Motion made by Chair Tim Wallerich, seconded by Jeff Sulla to accept proposed definition of dwelling unit, use definitions, accept proposed short term rental registration form, and motion to revise registration ordinance to simplify the registration and add \$200 registration fee.

Vote: 6 - 0 Adopted - Unanimously

- 7) New Business
 - a) Consideration to modify existing Mining Ordinance or Implement a Small Mining Ordinance

Motion made by Scott Durand, seconded by Sara Carrels to implement a small mining ordinance.

Vote: 6 - 0 Adopted - Unanimously

- 8) Board of Adjustment Business
- 9) Other Business

- 10) Next Regular Meeting Date - July 12, 2022

- 11) Adjourn

Motion made by Scott Durand, seconded by Sara Carrels to adjourn the meeting.

Vote: 6 - 0 Adopted - Unanimously

Respectfully submitted by: _____
Caroline Gregerson City Administrator

Adopted Date

Planning Commission

6) a)

Meeting Date: 07/12/2022

SUBJECT: Small-Limited Mining Discussion

DEPARTMENT: Administration

TITLE:

Small-Limited Mining Discussion

PURPOSE:

Staff has provided the attached memo to start the discussion on a small/limited mining ordinance.

Attachments

Small-Limited Mining memo



TO: PLANNING & ZONING COMMISSION
FROM: KRISTI TRISKO, PLANNING CONSULTANT
SUBJECT: DISCUSSION OF SMALL/LIMITED MINING ORDINANCE
DATE: 07/05/22

Meeting Date: July 12, 2022

Details: I would like to begin a discussion to determine if a small/limited mining ordinance is something that the Commissioners would like to add as a use for the City of Wabasha.

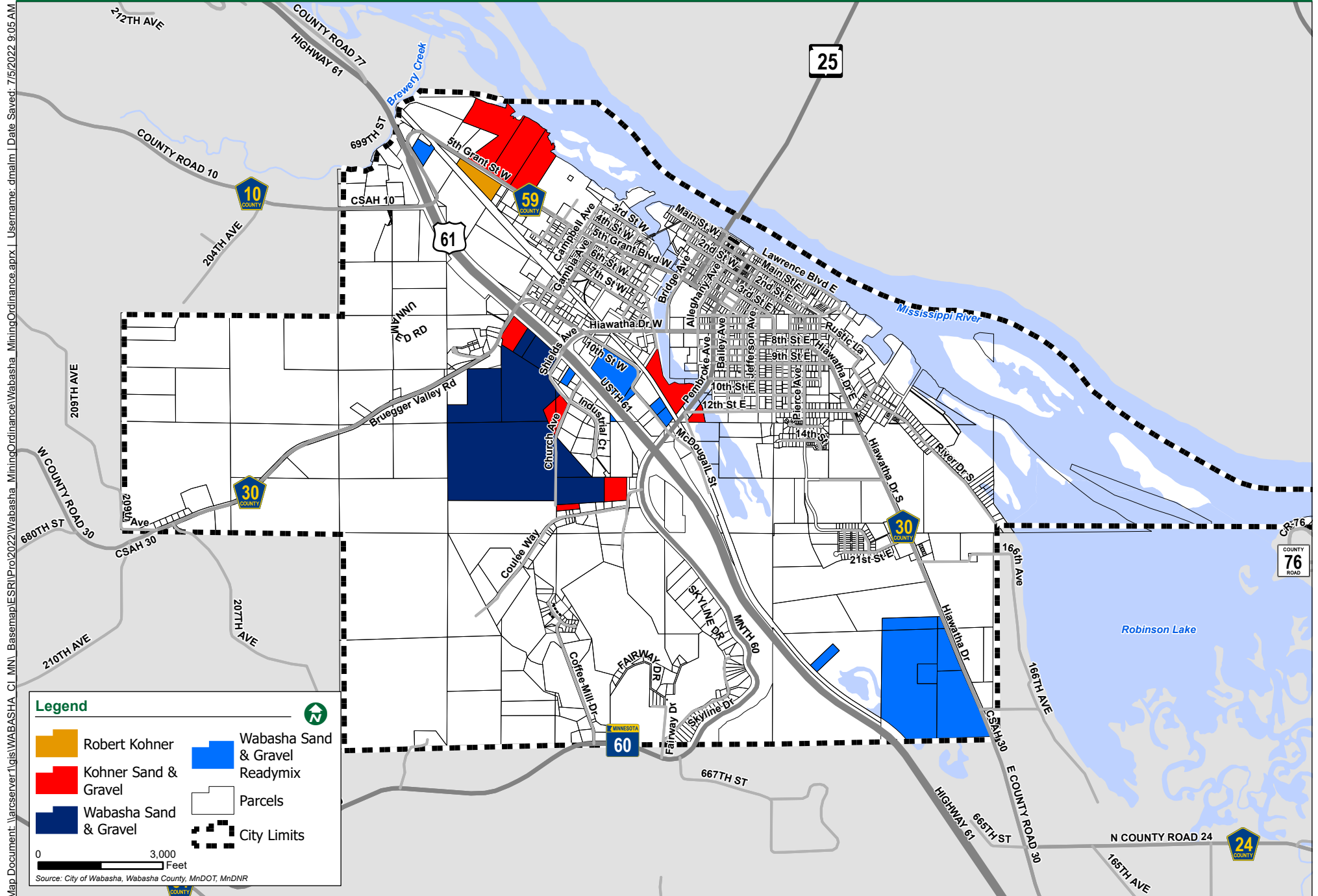
If so, we can discuss the basic parameters that the Commissioners would like to see in a regulatory ordinance including key objectives, where mine could be allowed, the appropriate planning process to allow them, size of mines, mines per property, total time to mine a site, time to reclaim a site, should we allow processing and blasting, any other general comments, questions or concerns in allowing this use. *See table for discussion below.

I look forward to our discussion.

Included Exhibits: The following zoning Maps- Industrial, General Commercial and Highway Commercial and Kohner & Wabasha Sand & Gravel Sites

Small/Limited Mining Discussion Table
07/05/22

Objective:	1. Minimize soil erosion and land scarring 2. Monitor the consumption of natural resources 3. Minimize the impact of these activities on the adjacent lands, resources and persons residing in the area 4. Prevent mining and extraction operations from creating a nuisance and health hazards within the community
Where allowed:	Anywhere designated in the Use Chart as an INTERIM use NOT within the Bluff Impact Zone. What about the floodway? Potential Zones: Industrial, Highway Commercial, General Commercial • See attached maps
Planning & Zoning Process	IUP (Interim Use Permit) PC Hearing/Approval
Size	Construction Sand and Gravel mines that are limited to an active mineable area of less than 10 acres in size
Mines per Property	With only one mine per contiguous property
Time to reclaim a mine	Reclamation for each small / limited construction sand and gravel mine shall be completed within one (1) calendar year after operation ceases.
On-site processing	Yes/No
Processing Definition	The sorting, washing, crushing and/or screening of extracted material to construction grade sand, gravel or stone product.
On-Site Blasting	Yes/No
Time to actively mine	Mine must be reclaimed within three years from the date of approval.





Mining Ordinance

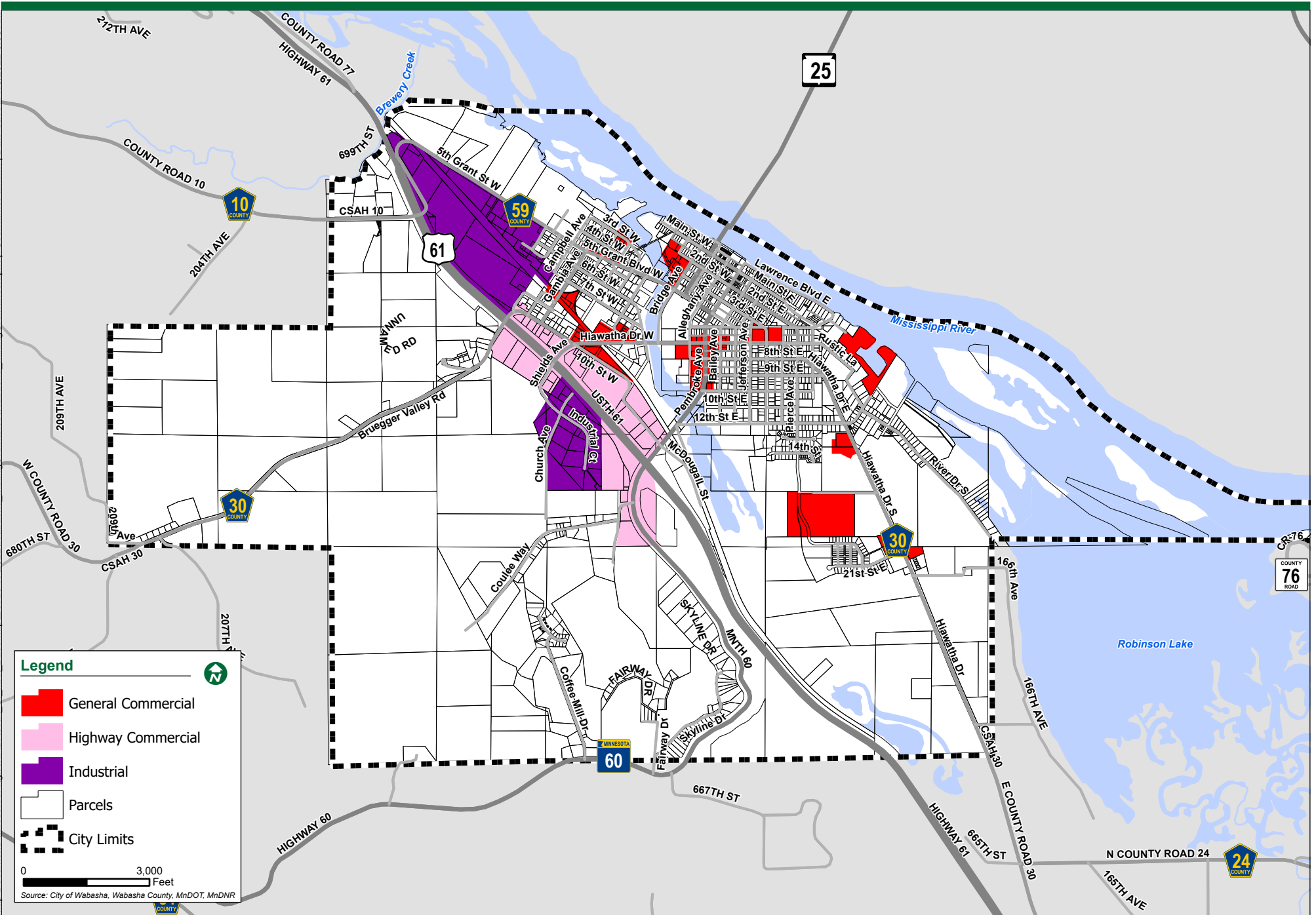
City of Wabasha, MN

Zoning

July 2022



Map Document: \\arcserver1\gis\WABASHA_CI_MN\Basemap\ESRI\Pro2022\Wabasha_MiningOrdinance\Wabasha_MiningOrdinance.aprx | Username: dmalm | Date Saved: 7/5/2022 9:05 AM



Planning Commission

6) b)

Meeting Date: 07/12/2022

SUBJECT: Short Term Rental Discussion

DEPARTMENT: Administration

TITLE:

Short Term Rental Discussion

PURPOSE:

Attached is the updated STR code and registration form. The STR code was amended to mostly deal with the registration of STR units. The registration form is mostly the same, but with highlighted sections that can be removed or amended, such as the registration form cost. The draft FAQ is attached with some general guidance for new STRs.

Attachments

STR Memo from Staff

STR Registration Form

STR Regulations

Vacation Rental FAQ



Real People. Real Solutions.

12224 Nicollet Avenue
Burnsville, MN 55337-1649

Ph: (952) 890-0509
Fax: (952) 890-8065
Bolton-Menk.com

MEMORANDUM

Date: 7/12/22
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 proposed regulations regarding short-term rentals in Wabasha and enforce restrictions or requirements on existing and future short-term rental (STR) properties. At the June 2022 Planning Commission meeting, staff presented an STR code, modifications to definitions, inclusion in the zoning use chart, and a registration form. The Planning Commission recommended forwarding the new use chart and definitions to City Council and continuing discussion on the STR code and registration form. The Planning Commission also asked staff to create an FAQ to help new STR operators and owners.

Findings:

Attached is the updated STR code and registration form. The STR code was amended to mostly deal with the registration of STR units. The registration form is mostly the same, but with highlighted sections that can be removed or amended, such as the registration form cost. The draft FAQ is attached with some general guidance for new STRs.

Recommendation:

Staff suggests the Planning Commission consider and discuss the following:

1. The amended short-term rental code.
2. The registration form.
 - a. Registration form fee.
3. The FAQ for STR owners/operators.

If Planning Commission finds in favor of the proposed documents and codes, staff recommends forwarding the STR documents to City Council for review and mutual consensus prior to starting a public hearing process for adoption.

Attachments:

- Proposed STR Code
- STR Registration Form
- STR Registration FAQ



Short Term Rental Registration

Registration No. _____

Date Received _____

Short Term Rental Registration Application Form

Dwelling units used as short-term rentals must be registered with the City prior to operation. Short term rentals are defined as dwelling units rented for a period of less than 30 consecutive days, for tourist or transient use. New owners must re-register, and registration forms cannot be transferred from one property owner to the next. Each unit must have its own registration.

RENTAL SITE INFORMATION

Site Address: _____

Name of Rental (if applicable) _____

Sleeps How Many? _____ Property/Site Manager? ____ Yes ____ No

Manager's Name _____

Manager's Phone Number _____

PROPERTY OWNER INFORMATION

Property Owner's Name: _____

Property Owner's Address: _____

Property Owner's Phone Number: _____

PROPERTY OWNER SIGNATURE

Print Name _____ Signature _____ Date _____

ADMINISTRATION

Review Notes and Conditions:

Reviewed By:

Date:

☐ Approved ☐ Denied

Fee
\$XXX.XX

Receipt

Date Paid

AFFIDAVIT OF COMPLIANCE

SPLC 379.07 (A) REQUIRES ANY SHORT-TERM RENTAL HOST COMPLY WITH A NUMBER OF GENERAL PROVISIONS INCLUDING THE FOLLOWING:

- I certify or declare under penalty of perjury under the laws of the State of Minnesota, that the following is true and correct. I understand all information provided is subject to verification.
- I will ensure that the following information is posted in a conspicuous location in the dwelling unit: address, emergency contact information, responsible parties contact information, City of Wabasha's concerns/complaint contact information, floor plan showing emergency/escape routes and maximum occupancy limits.
- I will ensure that the licensed dwelling unit has a working smoke detector and carbon monoxide alarm(s) in every bedroom and on all habitable floors.
- I will ensure that the licensed dwelling unit has a properly maintained and charged fire extinguisher.
- I will ensure that the licensed dwelling unit complies with all City codes, **State statutes and Federal laws**.
- I agree to remit all local, state and federal taxes unless the short-term rental platform remits these on my behalf.
- I agree to keep a Short-term rental registry for the licensed dwelling unit which includes the number of nights booked and the amount of rent paid by each guest.
- If I am a renter – I hereby certify that I have the consent of the property owner to utilize this property as a Short-term rental. I, _____, hereby attest that the above information has been completed, is true and correct to the best of my knowledge.

I understand that I am required to ensure continued compliance with these short-term rental provisions. I understand that the City of Wabasha is authorized to suspend or revoke a permit or license issued in error or on the basis of incorrect, inaccurate or any false statement or misrepresentation, or in violation of any City ordinance **or State statute**.

FALSIFICATION OF ANSWERS GIVEN OR MATERIAL SUBMITTED WILL RESULT IN DENIAL OF APPLICATION

I hereby state that I have answered all of the preceding questions and that the information contained herein is true and correct to the best of my knowledge and belief. I hereby state further that I have received no money or other consideration, by way of loan, gift, contribution, or otherwise, other than already disclosed in the application which I herewith submitted. I also understand this premise may be inspected by police, fire, health and other city officials at any and all times when the business is in operation.

Applicant Signature (Required)

Title

Date

§ 162.109 SHORT TERM RENTAL REGISTRATION.

(A) Registration Requirements:

- (1) A registration application for a short-term rental dwelling unit must be submitted by the owner on the form prescribed by the city.
- (2) The registration form shall include all requested information including the exact location and street address of the dwelling unit or units which will be used as a short-term rental dwelling unit.
- (3) The registration form must be completed by the owner(s) of the short-term rental dwelling unit. If the property is owned by a partnership, limited liability company, non-profit corporation, or partnership, the full legal names and addresses of all officers and persons holding a 25 percent or greater beneficial interest in the entity shall be provided on the application.

(B) Fees and Terms:

- (1) The registration fee for the short-term rental dwelling unit will be set forth in the city's fee schedule.
- (2) A short-term rental dwelling unit registration shall expire or be null and void under the following circumstances:
 - (a) Change of ownership of the short-term rental dwelling unit, including transfer of title to the ownership of the property or adding an officer or partner that owns 25 percent or greater of an entity described in § 162.109 (A)(3) above;
 - (b) Failure by the owner to notify the city within 30 days of a change in contact information for the person or entity on file with the City as the contact person;
- (3) Short-term rental dwelling unit registrations are non-transferable.

(C) Process for Registering Short Term Rentals:

- (1) Process for Registration:
 - (a) The owner of a short-term rental must complete and submit a short-term rental registration form to the City of Wabasha City Clerk, as described in §162.109(A) above.

City of Wabasha, MN Short Term Rental FAQ's

Q. How do I know if I need to have a license from the City of Wabasha to rent my house or cabin on a short-term basis?

A. The City of Wabasha Code of Ordinances defines short-term rentals as “a dwelling unit, not considered part of a hotel/motel or bed and breakfast, rented for a period of less than 30 consecutive days, for tourist or transient use”. You can check with the City of Wabasha Planning Department for further information.

Q. When do I need to register a short-term rental?

A. Prior to using a dwelling unit as a short-term rental.

Q. What is the cost for the license?

A. The Wabasha City Council has established the fee schedule. The cost is \$XXX.XX as a one-time fee for as long as the license is valid.

Q. What are the requirements for a short term rental License?

A. The requirements to obtain a short term rental license from the City of Wabasha are fairly minimal and include the basic property and contact information for the owner and property manager, and also includes a self-certification of liability for the property, and the rental must be in compliance with the Minnesota Department of Health License requirements (MDH).

Q. How do I know if I need a license through the Minnesota Department of Health for my vacation rental?

A. To find out if you meet the criteria that requires a Lodging License through the Minnesota Department of Health, you can contact their regional representative at Wabasha County, Darrin Thompson, at (651)-565-5200.

Q. Do I have to renew my vacation rental license each year?

A. No, registration is only required once.

Q. Will obtaining a vacation rental license impact the tax classification of my property?

A. Short-term rental registration is not connected to the property tax classification, or the amount of property taxes due on any individual property. All tax assessment questions should be directed to the Wabasha County Assessor's Office at (651) 565-3669.

Q. Is the short-term rental license transferrable to a new owner if the property is sold?

A. No, a transfer of ownership will require a new registration.

Q. Will the City of Wabasha still require a short-term rental license if the Minnesota Department of Health (MDH) does not require one?

A. Yes.

Q. Do I need more than one license for my property?

A. If you have multiple units on one property, each rental unit requires registration. If you are not using a unit as a short-term rental, then registration is not required.

Q. I have a property in an Industrial/General Commercial/Highway Commercial. Can I get a short-term rental license?

A. Properties zoned Industrial, General Commercial, or Highway Commercial are not allowed to have short-term rentals.

Q. Can I rent any space on my property?

A. Recreational vehicles cannot be used for short-term rental. The ordinance also prohibits renting any accessory structures to the public, except when constructed as an additional dwelling unit.

Q. Do I have to pay lodging tax if I have a vacation rental?

A. Yes, all vacation rental properties are required to pay the lodging tax. Different vacation rental platforms vary on taxes collected on your behalf. Contact the Washington County Auditor at (651)-565-2648 for information on collecting and paying this tax. You can also contact the MN Department of Revenue and review the material found online:
<https://www.revenue.state.mn.us/guide/sales-residential-short-term-rentals>.