

PUBLIC NOTICE

STATEMENT OF THE TOWN BOARD CALLING FOR A SPECIAL TOWN MEETING (Minn. Stat. § 365.52, subd. 1)

We, the undersigned town supervisors and the town clerk of Pequaywan Township, St. Louis County, Minnesota, do hereby declare that the interests of the town require a special town meeting to be held due to the reason stated below:

St. Louis County has been working for several years to review the need for permitting of short term (vacation home) rentals. It is currently proposed to allow for short term rental of properties with a Performance Standard Permit in most zone districts for Residential, Commercial and Sensitive, where a Conditional Use Permit may be allowed. Two public open houses (July and August) were conducted to discuss short term rentals. The draft ordinance changes were approved by the Planning Commission to be distributed for public input and a public hearing was conducted in October.

The Planning Commission reviewed the proposed changes and has requested to allow for an additional 30 day public review. After the 30 day public review, a second public hearing will be scheduled which is anticipated to be held on December 12, 2019.

The particular business to be transacted at the meeting:

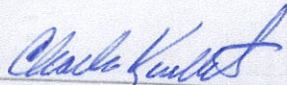
In October 2019, Pequaywan Township sent a Letter of Recommendation to the Planning Commission. Our township will consider revising that Letter of Recommendation, creating a Resolution, and other items pertaining to short term rental as it applies to Pequaywan Township.

The meeting is to be held on the 2nd day of December, 2019, at 7:00p.m., at Pequaywan Firehall, 8764 Pequaywan Lake Road (Hwy 44) Duluth.

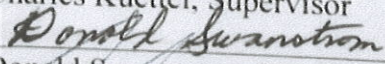
This statement shall be filed in the town clerk's office. After the statement is filed, the clerk shall record this statement of need and provide ten days' published notice of the time, place, and purpose of the meeting in the town's public posting places.

All interested parties are encouraged to attend, but only town electors are authorized to vote at the meeting.

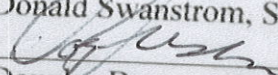
Dated this the 20th day of November, 2019



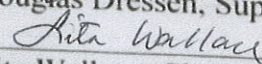
Charles Kuettel, Supervisor



Donald Swanstrom, Supervisor



Douglas Dressen, Supervisor



Lita Wallace, Clerk



Saint Louis County

Planning and Community Development Department • www.stlouiscountymn.gov
landuseinfo@stlouiscountymn.gov

TO: St. Louis County Cities, Towns and Interested Parties

FROM: Darren Jablonsky, Interim Director, Planning and Community Development

DATE: October 15, 2019

RE: Proposed Revisions to St. Louis County Zoning Ordinance 62

St. Louis County has been working for several years to review the need for permitting of short term (vacation home) rentals. It is currently proposed to allow for short term rental of properties with a Performance Standard Permit in most zone districts except for Residential, Commercial and Sensitive, where a Conditional Use Permit may be allowed.

The St. Louis County Planning Commission and county staff have worked on the details of the ordinance language changes and periodically discussed these changes with the Planning Commission during the business portion of their meetings. Two public open houses were conducted to discuss short term rentals, one on July 9, 2019 in Virginia, MN and one on July 10, 2019 in Rice Lake, MN. On August 15, 2019 the draft ordinance changes were approved by the Planning Commission to be distributed for public input. A public hearing was conducted on October 10, 2019. The Planning Commission reviewed the proposed changes and has requested to allow for an additional 30 day public review. After the 30 day public review, a second public hearing will be held; notification of the hearing will be sent when the date is set, but is anticipated to be held December 12, 2019.

Public input received during development of the St. Louis County Comprehensive Land Use Plan was strongly in support of looking at ways to improve the regulation of short term rentals. St. Louis County has important roles impacting the short term rental market in property classification and assessment, land use administration, and on-site sewage treatment compliance.

Your input is important to us. Please contact Jenny Bourbonais at 218-749-0629 if you have questions. You may also access the draft standards at our website:
<https://www.stlouiscountymn.gov/LinkClick.aspx?fileticket=1WaOKRfSkL0%3d&portalid=0>.

Comments may be submitted in writing or to Jenny Bourbonais at bourbonaisj@stlouiscountymn.gov. Please submit comments by December 10, 2019. The Planning Commission will consider all comments and public testimony at the December 12, 2019 hearing.

Duluth Office
Government Services Center
320 W 2nd St, Ste 301
Duluth, MN 55802
Phone: (218) 725-5000
Toll Free in MN: 1-800-450-9777
Fax: (218) 725-5029

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201 South 3rd Avenue West
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REVISIONS FOR THE OCTOBER 10, 2019 PUBLIC HEARING

ARTICLE II GENERAL PROVISIONS

Sections 2.7 Definitions

Short Term Rental - A short term rental dwelling unit is defined as any home, cabin, condominium or similar building represented to the public as a place where sleeping accommodations are furnished to the public on a nightly or weekly and for less than thirty days basis for compensation and is not a **planned development, commercial, as defined.**

Planned Development, Commercial - A use where the nature of residency is transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned developments.

ARTICLE V LAND USE CONTROLS

Section 5.5 Use Classification Definitions:

R. Residential Use – **Class I** – A category of uses that includes, but is not limited to: hunting shacks, residential dwellings (less than five units or sites), seasonal residences and accessory dwellings and structures **for personal use without compensation.**

S. Residential Use – **Class II (Short Term Rental)** – A category of uses that includes, but is not limited to: hunting shacks, residential dwellings (less than five units or sites), and seasonal residences for short term rental, as defined in Article II, Section 2.7.

ARTICLE VI ADMINISTRATIVE, PERFORMANCE AND CONDITIONAL USE STANDARDS

Section 6.11 Accessory Dwelling Administrative Standards **"v"**

An accessory dwelling shall not be used for commercial or rental purposes, **unless a permit for short term rental is applied for and on file as part of the overall property for rent. Accessory dwellings shall not be used for rental as separate from the overall property.**

DRAFT Short term rental	FAM	MU	SMU	RES	COM	SENS	IND	LI	LSO	LCO	CL (400 FT)	CL (1,000 FT)
Residential Use Class I	ALUP	ALUP	ALUP	ALUP	CUP	CUP	N	N	ALUP	A	N	N
Residential Use Class II	APS	APS	APS	ACUP	ACUP	ACUP	N	N	APS	APS	N	N

Use Chart

A = Allowed no permit required*

ALUP = Allowed land use permit required

APS = Allowed performance standard permit required

CUP = conditional use permit required N = not allowed

*In the LCO district, a permit may be required

ARTICLE VI ADMINISTRATIVE, PERFORMANCE AND CONDITIONAL USE STANDARDS

Section 6.32 Short Term Rental Standards "C" [location subject to change]

A. Permit Required: Residential Use – Class II: A category of uses that includes, but is not limited to: hunting shacks, residential dwellings (less than five units or sites), and seasonal residences for short term rental is allowed in the following zone districts: FAM, MU, SMU, LSO, and LCO with a performance standard permit. The following standards shall apply:

1. General

- a. The permittee/owner/operator shall post within the rental unit the rules and regulations and emergency contact information for police, fire, hospital, septic tank pumper, and permittee/owner/operator.
- b. The permittee/owner/operator shall provide the St. Louis County Planning and Community Development Director with current contact information for person(s) responsible for property management.
- c. Aquatic Invasive Species (AIS) prevention guidelines must be posted for watercraft use.
- d. The permittee/owner/operator shall provide a visual demarcation of the property lines.
- e. All local, state and federal requirements shall be followed for taxing, licensing, permitting and other applicable requirements.
- f. If a property is used solely for rental purposes, then it shall be deemed a Commercial Use-Class II and subject to ordinance requirements regarding commercial use.
- g. A permit for a short term rental use shall not be transferrable upon new ownership of a property where a permit was issued.
- h. Any violation of this ordinance shall deem a short term rental permit null and void.

2. Conforming Lot

- a. Rental dwelling unit must be located on a conforming lot or an existing lot of record.
- b. No more than one rental dwelling unit per parcel may be rented. Additional occupancy by use of recreational vehicles, tents, accessory structures, garages, boathouse, pole barn, shed, fish houses or similar structure is not ~~allowed~~ permitted. Accessory dwellings shall not be rented as per Zoning Ordinance 62, Article VI, Section 6.11.
- c. More than one rental dwelling unit on the same parcel or single units on contiguous parcels under common ownership shall require a conditional use permit where the use is conditionally permitted OR shall constitute a resort and must meet the applicable standards.
- d. The St. Louis County Planning and Community Development Director may impose additional standards or conditions that will reduce impacts of the proposed use on neighboring properties. Said standards or conditions include but are not limited to fences, vegetative screening along property lines or shoreline and quiet hours.

3. Licenses

- a. The permittee/owner/operator shall obtain and maintain an applicable Minnesota Department of Health Lodging License and other applicable licenses. Copy of current license(s) shall be provided to and on file with the County prior to issuance of permit by the County.

4. Taxes

A Minnesota tax identification number and other applicable identification numbers must be provided to the St. Louis County Planning and Community Development Director prior to issuance of permit.

5. Septic/Solid Waste

- a. Sewage treatment must comply with St. Louis County Subsurface Sewage Treatment System Ordinance 61, and adopted Technical Standards or their successor or replacement.
- b. Disposal of solid waste must comply with St. Louis County Solid Waste Ordinance 45, or its successor or replacement.

6. Parking

- a. The site shall provide on-site parking sufficient to accommodate the occupants of the rental dwelling unit.
- b. No person shall, for the purpose of camping, lodging, or residing therein, leave or park a vehicle or motor vehicle on or within the limits of any road highway or on any road highway right-of-way.

7. Residential Zone District

- a. In a RES zone district private residential use should be considered preeminent over non-residential uses. Therefore, in a RES zone district the following additional standards shall be met:
 - i. Rental dwelling unit must be located on a parcel that meets the minimum zoning requirements.
 - ii. There shall be a minimum buffer of at least 500 feet (as measured from property lines) between each short term rental use.
 - iii. If a conditional use permit is required and issued on a parcel in a residential zone district, it shall not be transferrable upon new ownership of a property where a permit was issued.
 - iv. All property lines shall be located by a licensed land survey, unless there is written agreement filed with the Department between the adjoining property owner and the short term rental permittee/owner/operator.
 - v. Adequate vegetative screening shall be required to screen the use from any shoreline and adjacent property owners. If vegetative screening is not sufficient, the Director may require solid fencing that reduces the visual impact of a use upon adjacent structures or residential uses.

- B. Conditional Use Permit Required: Residential Use – Class II (Short Term Rental):** A category of uses that includes, but is not limited to: hunting shacks, residential dwellings (less than five units or sites), and seasonal residences for short term rental is allowed in the following zone districts: RES, COM and SENS with a conditional use permit. The standards above shall apply.

Short Term Rental Pequawaywan Town Board Recommendations

There have been multiple problems as result of short term renters to include loud parties at all hours, barking dogs, trespassing, theft of personal property, littering, and vehicles driving into homeowner's posted/private driveways and yards. Rental guests have walked right in to private garages and homes and knocked on doors and windows with questions, problems and issues with access to the rental dwellings. Guests even asked to use homeowner's personal Wi-Fi password. There has been retaliation from rental guests after the owner has been called with complaints of loud noise, vulgar language and parties at all hours. Renters leave their pets unattended when they go out on the lake, or leave for hours of sightseeing. This results in barking and whimpering dogs for several hours. In the winter months, snowmobilers have ridden over personal property, through yards and over septic runs.

At the least, residents feel uncomfortable with waves of strangers coming and going in the neighborhood. There are uneasy questions abound: How will these strangers conduct themselves? Will they maintain the quality and respect the tranquility of our neighborhoods, or are they just here for a good time?

Note: A short-term rental is any dwelling unit owned or managed by a person, firm or corporation which is rented or leased for a period of less than thirty (30) *consecutive* days, during which time the owner or manager is not present on a full-time basis

Whereas, such short-term rental properties can be disruptive to the neighborhood and neighbors and can present safety hazards if not kept up to safety and health ordinance standards,

Whereas these short-term renters can put additional pressure on volunteer first responders and fire departments because of a lack of knowledge of the area, including burning restrictions,

Whereas, Pequawaywan Township is zoned a residential area and its residents wish it to remain so, trusting St. Louis County prioritizes maintaining the character of the community over the potential tourist revenue short-term rentals might bring and regulating the density of vacation rentals.

Whereas, Pequawaywan Township recommends that St. Louis County develop an Office of Enforcement to uphold compliance with life/safety standards that are commonly applied to other types of lodging establishments (such as hotels, motels and bed-and-breakfasts).

Whereas, too many rental properties can lower neighboring property values and there is no current limit on the quantity allowed, and

Whereas, currently there is not an adequate tax classification to fairly tax these income-producing properties,

Therefore the Township Board of Pequaywan urges St. Louis County to adopt stringent policies and guidelines that will address these concerns.

Furthermore the Pequaywan Township Board suggests the following steps:

Classification:

All short-term rentals (STR) be classified as commercial property, reflecting their income-producing status. Short-term rentals generate income for operators, but not tax revenue for the community.

Guidelines:

Overnight occupancy of a Short-Term Rental shall be limited to no more than two (2) persons per bedroom. Over populating will lead to over use of septic tanks that are built to handle a certain amount of people. If a septic system isn't properly functioning, it could not only cause a lot of problems, but also pose a potential health risk. Improperly functioning septic systems may introduce contaminants, bacteria and pathogens into the ground water table. Wells are also susceptible to getting contaminated from improperly functioning, over used systems. So, individuals may be drinking things that could be bad for their health and make them sick.

- Owners should be limited to one short-term rental bi-weekly, meaning a full 14 days must pass between the start dates of rentals. A reduced turnover of guests reduces the risk of increased traffic, parking problems, noise, disruptions to the neighborhood, and incidents of trespass, theft and littering. It also supports a more desirable clientele.

A buffer of at least 500 feet must exist between STR dwellings to prevent clustering of STRs. This would protect private land owners from being literally surrounded by rental dwellings.

Lake size should dictate the number of STRs allowed on any given lake. For example, ONE short term rental per 100 acres, would mean a limit of three (3) STRs on a 300-399 acre lake.

If more than two (2) STRs are owned by the same individual(s) in the same Township, then ONE dwelling must be a primary residence.

Operators of vacation rentals should be required to maintain a City business license, and must collect and remit required lodgers and sales taxes to the City. Vacation rental permits should be non-transferable. The sale or transfer of a property with a vacation rental automatically invalidates the permit.

No pets allowed. Animals are agitated and more likely to create a nuisance, as result of being in unfamiliar surroundings. With frequent turnover of guests, pets consider and react to people as strangers.

