



Board of County Commissioners Agenda Request

8A

Agenda Item #

Requested Meeting Date: January 2, 2024

Title of Item: First Reading - Amendment to Vacation Short-Term Rentals (Discussion Only)

<input checked="" type="checkbox"/> REGULAR AGENDA <input type="checkbox"/> CONSENT AGENDA <input type="checkbox"/> INFORMATION ONLY	Action Requested: <input type="checkbox"/> Approve/Deny Motion <input type="checkbox"/> Adopt Resolution (attach draft) <i>*provide copy of hearing notice that was published</i>	<input type="checkbox"/> Direction Requested <input checked="" type="checkbox"/> Discussion Item <input type="checkbox"/> Hold Public Hearing*
Submitted by: Andrew Carlstrom		Department: Environmental Services
Presenter (Name and Title): Andrew Carlstrom, Environmental Services Director		Estimated Time Needed: 10 Minutes
Summary of Issue: <p>On the November 28, 2023 first reading before the Board of Commissioners, three new amendments were proposed to the General Zoning Ordinance Section 17 - Vacation / Short-Term Rentals (VSTR). A public notice was published in the Aitkin Age on December 13, 2023 of this first reading today. Previously, three public hearings have been held before the Aitkin County Planning Commission on June 26, August 21, and November 20, 2023.</p> <p>In accordance with MN Statute 394 and Rule 11 of the Aitkin County Ordinances and Procedures of the Board of Commissioners Meeting Procedures and Rules of Business Board of Commissioners, two readings shall be conducted prior to the adoption of the amendment. The three proposed amendments brought forth by Commissioners and in addition to what the Planning Commission previously recommended approving are as follows:</p> <ol style="list-style-type: none"> 1. Section 17.01(B) & 17.05(B): Annual inspections of VSTR by Aitkin County with per bedroom fee. 2. Section 17.01(D): VSTR are to be allowed on Natural Environmental Lakes with conditions and restriction of no motorized watercraft allowed by guests. 3. Section 17.04(A)(3-4): The use of holding tanks shall be permitted providing owner meets all requirements of Environmental Services to include commercial alarm technology to safeguard. <p>Please see attached proposed Draft 13, Section 17 - Vacation / Short-Term Rentals Ordinance and resolution for your review only.</p>		
Alternatives, Options, Effects on Others/Comments: Discussion Only		
Recommended Action/Motion: Discussion Only		
Financial Impact: Is there a cost associated with this request? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No What is the total cost, with tax and shipping? \$ Is this budgeted? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Please Explain:</i>		

Legally binding agreements must have County Attorney approval prior to submission.

CERTIFIED COPY OF RESOLUTION OF COUNTY BOARD OF AITKIN COUNTY, MINNESOTA

PROPOSED January 23, 2024

By Commissioner:

20240123-xxx

Aitkin County Zoning Ordinance Amendment of Vacation /Short-Term Rentals

WHEREAS, Aitkin County currently regulates Vacation/Short-Term Rentals and desires continuation of this allowed use, with standards in place to mitigate possible adverse impacts to the health, safety, and welfare of surrounding properties and environments; and

WHEREAS, Aitkin County is experiencing and is expected to experience a continued marked increase in conditional use applications for Vacation/Short-Term rentals; and

WHEREAS, Aitkin County desires to amend the current ordinance in order to improve organization, understandability, and enforceability of Vacation/Short-Term Rentals; and

NOW, THEREFORE BE IT RESOLVED, the Aitkin County Board of Commissioners does hereby authorize the proposed amendments of Section 17.0 "Vacation/Short-Term Rentals" to the Aitkin County Zoning Ordinance

FIVE MEMBERS PRESENT

All Members Voting

STATE OF MINNESOTA}
COUNTY OF AITKIN}

I, Jessica Seibert, County Administrator, Aitkin County, Minnesota do hereby certify that I have compared the foregoing with the original resolution filed in the Administration Office of Aitkin County in Aitkin, Minnesota as stated in the minutes of the proceedings of said Board on the 23rd day of January 2024 and that the same is a true and correct copy of the whole thereof.

Witness my hand and seal this 23rd day of January, 2024

Jessica Seibert
County Administrator



EAST CENTRAL MINNESOTA

Ad Proof

Not Actual Size

AITKIN COUNTY NOTICE OF HEARING

In accordance with MN Statute 394 and Rule 11 of the Aitkin County Ordinances and Procedures of the Board of Commissioners Meeting Procedures and Rules of Business Board of Commissioners will hold a first reading on January 2, 2024 for the adoption of three amendments to the Vacation/Short-Term Rental Ordinance of the Aitkin County Zoning Ordinance. Three public hearings before the Aitkin County Planning Commission were held on June 26, August 21, and November 20, 2023. A first reading was held before the Aitkin County Board of Commissioners on November 28, 2023 and the three new amendments were proposed at that time for consideration by the Commissioners.

-Public Notice Ad Proof-

This is the proof of your ad scheduled to run on the dates indicated below. Please proof read carefully. If changes are needed, please contact us prior to deadline at Cambridge (763) 691-6000 or email at publicnotice@apgecm.com

Date: 12/08/23
Account #: 485996
Customer: AITKIN COUNTY PLANNING &
ZONING
Address: 307 2ND ST NW, ROOM 219
AITKIN
Telephone: (218) 927-3761
Fax: (218) 927-4372

Publications:

Aitkin Independent Age

Ad ID: 1360272
Copy Line: Jan 2 PH Vacay/Rental Ord. Ame
PO Number:
Start: 12/13/23
Stop: 12/13/2023
Total Cost: \$144.00
of Lines: 140
Total Depth: 15.583
of Inserts: 1
Ad Class: 150
Phone #: (763) 691-6000
Email: publicnotice@apgecm.com
Rep No: MA700
Contract-Gross

Proposed for amendment is Section 17 (Vacation/Short-Term Rentals-VSTR). Draft 13 can be found in its entirety online at: <https://www.co.aitkin.mn.us/> under News & Notices. The letters in red are new proposed amendments to the current ordinance, and all black letters are the original language. A summary of the proposed changes are as follows: Section 17.01(A) -change from 5 year to 3 year Interim Use Permit (IUP). Section 17.01(B) -example of annual inspection on 3 year IUP timeline. Section 17.01(D) - VSTR allowed on Natural Environmental (NE) Lakes and will be regulated by the conditions imposed by the Aitkin County Planning Commission. Guests of VSTR on NE Lakes will not be allowed motorized watercraft; non-motorized only will be allowed. Non-motorized watercraft include the following examples, but not strictly limited to: canoes, kayaks, rafts, sailboats, paddle boards, and paddle boats. Section 17.01(E) Applicant, owner, or authorized agent of the VSTR shall be present at the scheduled Planning Commission Meeting. Section 17.04 (A)(3) - The use of holding tanks for Vacation/Short-Term Rentals shall be permitted providing the Vacation/Short-Term owner fully comply with the Aitkin County Environmental Services staff and application requirements. During application, owner must share the three previous years pumping records, as well as proof of current pumping agreement by a licensed septic maintainer. In addition and to provide extra environmental safety, owner shall have installed commercial technology approved by Environmental Services staff. This shall include a remote monitoring system to safeguard against unanticipated septic discharge. Section 17.04 (A)(4) - If septic system fails causing an imminent threat to public health, Aitkin County Environmental Services will immediately issue cease & desist order and notify MDH of violation. If owner remains non-compliant, the Aitkin County

Planning Commission will review and may revoke permit to operate. In this instance, and upon rectifying the septic system failure, Vacation/Short-Term Rental owner will re-apply for a new IUP to include new fees, inspections, and hearing before the Aitkin County Planning Commission. Section 17.05 (B) - Future compliance will be monitored through the regular review of the IUP and annual inspections of the Vacation/Short-Term Rental by Aitkin County Environmental Services. During the annual inspection, the Vacation/Short-Term Rental owner will be assessed an annual re-inspection fee plus per bedroom fee with payment due prior to the annual inspection. Non-compliance will be brought before the Aitkin County Planning Commission. Section 17.05 (G) - VSTR discovered to have been renting prior to applying for and receiving an IUP, shall be assessed a five (5) times after-the-fact-fee at the time of issuance by Aitkin County Environmental Services. Section 17.06 - Appeals from any order, requirement, decision or determination made by the Environmental Services Department shall first be made to the Board of Adjustment in accordance with Section 10.04 of this ordinance.

A full text version is available for public review at the Aitkin County Planning and Zoning Office and the Aitkin County Auditor's Office in the Aitkin County Government Center during regular business hours. Comments can be submitted in writing to the Aitkin County Planning and Zoning Office: 307 2nd St NW, Rm 219, Aitkin, MN 56431, by facsimile (218) 927-4372, or by e-mail to aitkinpz@co.aitkin.mn.us before 4:00pm on December 29, 2023. Please include a full name and complete mailing address with all correspondences.

Published in the
Aitkin Independent Age
December 13, 2023
1360272

[SECTION 17-Draft 13]

VACATION/SHORT-TERM RENTAL

17.00 Purpose:

It is the purpose and intent of this Section to regulate Vacation/Short-Term Rentals within Aitkin County, to continue the allowed use of Vacation/Short-Term Rentals in Aitkin County, and to mitigate possible adverse impacts to the health, safety, and welfare of surrounding properties and environments.

17.01 Permit Required:

The following standards apply to vacation or private homes renting for thirty (30) days or less except those located within Planned Unit Developments whose legal documents regulate unit rentals.

- A. The owner of a Vacation/Short-Term Rental must apply for and receive an Interim Use Permit from the County. The Interim Use Permit will be valid for three (3) years and must be renewed every three (3) years in order to determine the compliance level of the owner with the conditions of approval.
- B. All existing Vacation/Short-Term Rentals prior to this enactment will require annual inspections (see 17.05 (B-C)) from Aitkin County Environmental Services within the month they were permitted. Subsequent three (3) year IUP renewals will begin the year their current IUP expires and will be subject to this amendment and Ordinance. All new Vacation/Short-Term Rentals as of the enactment date of this Ordinance shall obtain a permit from the County prior to commencing operations. All Vacation/Short-Term Rentals shall reapply for an IUP every three (3) years, or as determined by the Planning Commission. An example is as follows: 2024-IUP issued, 2025-annual inspection, 2026-annual inspection, 2027-IUP issued, etc.
- C. Vacation/Short-Term Rentals are allowed in all five zoning classifications found in Appendix A of this General Zoning Ordinance. Vacation/Short-Term Rentals are allowed on General Development (GD) and Recreational Development (RD) lakes in Aitkin County.
- D. Vacation/Short-Term Rentals are allowed on Natural Environmental (NE) Lakes and will be regulated by the conditions imposed by the Aitkin County Planning Commission. Guests of Vacation/Short-Term Rentals on NE Lakes will not be allowed motorized watercraft; non-motorized only will be allowed. Non-motorized watercraft include the following examples, but not strictly limited to: canoes, kayaks, rafts, sailboats, paddle boards, and paddle boats.

E. Applicant, owner, or authorized agent of the Vacation/Short-Term Rental shall be present at the scheduled Planning Commission Meeting.

F. Termination of the IUP will be when there is a change in ownership of the Vacation/Short-Term Rental property.

17.02 Lodging License:

A. For all Vacation/Short-Term Rentals renting for time periods of less than 7 days, a lodging license through the Minnesota Department of Health (MDH) shall be required, as defined by Minnesota State Statute 157.

B. If applicable, the owner of any Vacation/Short Term Rental shall demonstrate issuance of a yearly lodging license from the MDH. These shall be provided to Aitkin County Environmental Services upon request.

17.03 Application Requirements:

A. The application for an Interim Use Permit shall include at a minimum:

- 1) All information required for a Conditional Use Permit.
- 2) Floor plan of the structure drawn to scale, including the number of bedrooms with dimensions and all other sleeping accommodations, smoke detector and carbon monoxide detector locations. In each bedroom and any room used for sleeping purposes, show the dimensions of egress windows on the drawing and the style (double hung, sliding, or casement).
- 3) A to-scale site plan of the property which details the locations and dimensions of all property lines, the structure intended for licensing, accessory structures, parking areas, shore recreational facilities (docking plan, fire pit area, swim beach, etc.) and sewage treatment systems.
- 4) A certificate of compliance on the septic system less than three (3) years old or a certificate of installation less than five (5) years old.
- 5) A current water test taken from an accredited laboratory within 1 year prior to application submission, with passing results for nitrate-nitrogen and coliform bacteria. (Note: MDH must also approve drinking water supply and well standards in accordance with MN Administrative Rules Chapters 4720 and 4725).

- 6) Emergency contact information shall be posted (police, fire, hospital, septic tank pumper) in a conspicuous place inside the Vacation/Short-Term Rental.
- 7) If Vacation/Short-Term Rental is located on a lake, information and map shall be provided with DNR public access location. A current recreational vehicle handbook shall also be provided at all Vacation/Short-Term Rentals. These items can be found online, through the DNR, and/or through the Aitkin County Licensing Center.
- 8) A contact person shall be designated and contact information be provided to Aitkin County Environmental Services at the time of application.
- 9) A solid waste and recycling plan including the name of the Aitkin County licensed garbage hauler and frequency of garbage service.
- 10) Applicant must submit a pet policy.
- 11) Provide a list of all advertising sources pertaining to the Vacation/Short-Term Rental and notify Environmental Services with any changes to the advertising within 30 days.

B. After a complete application is submitted and prior to the approval of the IUP, Aitkin County Environmental Services shall inspect (interior/exterior) proposed Vacation/Short-Term Rental to determine compliance with the requirements of this ordinance.

C. Prior to approval of the Interim Use Permit, the owner shall provide a visual demarcation of the property lines to include a vegetative or man-made property marker.

17.04 General Requirements:

A. Septic/Solid Waste:

- 1) The Vacation/ Short-Term Rental shall be connected to an approved Subsurface Septic Treatment System (SSTS). The SSTS shall be designed and constructed with a design flow of seventy-five (75) gallons of water per person per day to handle the maximum number of guests for which the facility is permitted.
- 2) The SSTS shall include a flow measuring device. Flow measurement readings and monitoring of the SSTS shall be recorded monthly and records shall be made available to the Aitkin County Environmental Services on a

yearly basis, or upon request. Installed flow measuring device will be verified by Environmental Services Department staff before issuing permit to operate the Vacation/Short-Term Rental.

- 3) The use of holding tanks for Vacation/Short-Term Rentals shall be permitted providing the Vacation/Short-Term owner fully comply with the Aitkin County Environmental Services staff and application requirements. During application, owner must share the three previous years pumping records, as well as proof of current pumping agreement by a licensed septic maintainer. In addition and to provide extra environmental safety, owner shall have installed commercial technology approved by Environmental Services staff. This shall include a remote monitoring system to safeguard against unanticipated septic discharge.
- 4) If septic system fails causing an imminent threat to public health, Aitkin County Environmental Services will immediately issue cease & desist order and notify MDH of violation. If owner remains non-compliant, the Aitkin County Planning Commission will review and may revoke permit to operate. In this instance, and upon rectifying the septic system failure, Vacation/Short-Term Rental owner will re-apply for a new IUP to include new fees, inspections, and hearing before the Aitkin County Planning Commission.

B. Occupancy:

- 1) The occupancy (overnight occupants) of a Vacation/Short-Term Rental shall be limited to no more than two (2) persons per bedroom (see (4) below for allowable number of occupants per bedroom) plus two (2) additional persons per building, or no more than one (1) person for every seventy-five (75) gallons of water per day that the building subsurface sewage treatment system (SSTS) is designed to handle, whichever is less.
- 2) The maximum number of occupants, including both overnight and non-overnight occupants, shall not exceed twice the approved overnight guests.
- 3) Attempting to obtain additional occupancy by use of recreational vehicles, tents, accessory structures or fish houses is prohibited.
- 4) Rooms used for sleeping shall be provided with egress windows that comply with the Minnesota State Building Code and with smoke detectors in locations that comply with MN Statute chapter 299F. Every room occupied for sleeping purposes by one person shall contain at least 70 square feet of usable floor space, and every room occupied for sleeping purposes by more than one person shall contain not less than 60 square feet of usable floor space for each

occupant thereof. Carbon monoxide detectors shall be installed in locations that comply with MN Statute section 299F.51.

- 5) No more than two (2) Vacation/Short-Term Rentals will be allowed on a parcel. More than two (2) Vacation/Short-Term Rentals on the same parcel or on contiguous parcels under common ownership shall constitute a resort and must meet the standards set forth in Section 15 and/or 16 of this ordinance and Section 7 of the Aitkin County Shoreland Management Ordinance.

C. Parking:

- 1) On-site parking shall be provided which is sufficient to accommodate the occupants of the Vacation/Short-Term Rental. Public streets and septic systems may not be used for calculating parking by renters or guests. Off-street parking shall be provided with a minimum of one space per bedroom and one space for the Vacation/Short-Term Rental operator. Parking cannot restrict access by emergency vehicles of the traveling public and shall not impede any ingress or egress of the property owner. No parking shall be allowed on the roadway or within the road right-of-way.
- 2) Parking areas shall meet property line setbacks when feasible, but shall not be less than five (5) feet from the property lines.

D. Property Contact Information:

- 1) The applicant/owner shall keep on file with Aitkin County Environmental Services, the name and telephone number of a contact person who shall be responsible for responding to questions or concerns regarding the operation of the Vacation/Short-Term Rental. Aitkin County Environmental Services will ensure annually that all information is kept current. This information shall also be posted in a conspicuous location within the dwelling unit. The contact person must be available to accept telephone calls on a 24-hour basis at all times that the Vacation/Short-Term Rental is rented and occupied. The contact person must have a key to the Vacation/Short-Term Rental and be able to respond to the Vacation/Short-Term Rental within 60 minutes to address issues or must have arranged for another person to address issues within the same timeframe.
- 2) Each Vacation/Short-Term Rental must have a property information handbook available for renters that includes the name and contact information for the owner and/or caretaker; quiet hours as per approved IUP; maximum number of overnight occupants; maximum number of non-overnight occupants; property rules related to the use of outdoor features such as decks, patios, fire pit, sauna and other recreational facilities; list of the conditions that were placed on the approved IUP; and a notice that all ordinances and IUP

conditions will be enforced by the Aitkin County Sheriff's Office and Aitkin County Environmental Services.

- 3) The owner shall keep a report dating back one year, detailing the use of the Vacation/Short-Term Rental by recording the full name, address, and vehicle license number of guests using the property. A copy of the report shall be provided to Aitkin County Environmental Services upon request and in accordance with MN Statutes 327.10.

E. Advertising:

- 1) Websites and all other advertising of the rental property must be in compliance with the occupancy allowance and all other conditions per approved application. Environmental Services staff will regularly monitor online advertising to ensure Vacation/Short-Term Rental is complying with conditions agreed upon for IUP.
- 2) On premise advertising signs are prohibited.

F. Other Regulations:

- 1) The Planning Commission may impose conditions that will reduce the impacts of the proposed use on neighboring properties, public services, and nearby water bodies as well as other concerns including, but not limited to, public safety and safety of guests. Said conditions may include, but not be limited to: fencing or vegetative screening, native buffer along the shoreline, noise standards, duration of permit, restrictions as to the docking of watercraft, and number of guests.

17.05 Enforcement/Violations:

- A. For Vacation/Short-Term Rentals with compliance issues during the term of their IUP, investigations will be conducted by Aitkin County Environmental Services, and information will be gathered for the future consideration by the Aitkin County Planning Commission for subsequent renewals.
- B. Future compliance will be monitored through the regular review of the IUP and annual inspections of the Vacation/Short-Term Rental by Aitkin County Environmental Services. During the annual inspection, the Vacation/Short-Term Rental owner will be assessed an annual re-inspection fee plus per bedroom fee with payment due prior to the annual inspection. Non-compliance will be brought before the Aitkin County Planning Commission.

- C. The conditions imposed by the Aitkin County Planning Commission and agreed upon by the Vacation/Short-Term Rental owner must be complied with during the term of the IUP.
- D. If substantiated complaints/violations have occurred during the term of the IUP, the IUP may be subject to a revocation hearing before the Aitkin County Planning Commission.
- E. If the IUP is revoked, MDH will be notified and the lodging license will be terminated.
- F. Any person, firm or corporation, or agent, employees or contractors of such, who violate, disobey, omit, neglect, refuse to comply with, or who resist enforcement of any of the provisions of Section 17 may be subject to the forfeiture of their IUP. Violations of Section 17 shall be deemed a misdemeanor. Each day that a violation continues to exist shall constitute a separate offense.
- G. Vacation/Short-Term Rentals discovered to have been renting prior to applying for and receiving an IUP, shall be assessed a five (5) times after-the-fact-fee at the time of issuance by Aitkin County Environmental Services.
- H. Any Vacation/Short-Term Rental operating without a permit as of the enactment date of this Ordinance, has 90 days to comply.

17.06 Appeals:

Appeals from any order, requirement, decision or determination made by the Environmental Services Department shall first be made to the Board of Adjustment in accordance with Section 10.04 of this ordinance.

