



Douglas County, Minnesota
Board of Commissioners

March 6, 2018

Proposed amendments to the Douglas County Zoning Ordinance to establish requirements and standards for the licensing and operation of private/vacation home rental use in all zoning districts.

The following amendments to the zoning ordinance identified by section are additive.

Section III. Zoning District Regulations

A. AGRICULTURAL DISTRICT (A)

2. Permitted Uses

- s. Private/vacation home rental (meeting occupancy and capacity standards)

4. Conditional Uses

- ii. Private/vacation home rental (exceeding overnight guest occupancy)
- jj. Private/vacation home rental (exceeding property capacity)

B. RURAL RESIDENTIAL DISTRICT (RR)

2. Permitted Uses

- k. Private/vacation home rental (meeting occupancy and capacity standards)

4. Conditional Uses

- y. Private/vacation home rental (exceeding overnight guest occupancy)
- z. Private/vacation home rental (exceeding property capacity)

C. RESIDENTIAL DISTRICT (R)

2. Permitted Uses

- g. Private/vacation home rental (meeting occupancy and capacity standards)

4. Conditional Uses

- u. Private/vacation home rental (exceeding overnight guest occupancy)
- v. Private/vacation home rental (exceeding property capacity)

D. RESIDENTIAL SHORELAND DISTRICT (RS)

5. Permitted Uses

- h. Private/vacation home rental (meeting occupancy and capacity standards)

7. Conditional Uses

- t. Private/vacation home rental (exceeding overnight guest occupancy)
- u. Private/vacation home rental (exceeding property capacity)

E. COMMERCIAL DISTRICT (C)

2. Permitted Uses

- y. Private/vacation home rental (meeting and exceeding overnight guest capacity)

4. Conditional Uses

- y. Private/vacation home rental (exceeding property capacity)

Section V. Performance Standards

E. Parking Requirements

7. Required Number of On-Site Parking Spaces.

- a. On-site parking area of sufficient size to provide parking for patrons, customers, suppliers, visitors and employees shall be provided on the premises for each use. The minimum number of required on-site parking spaces for the following uses shall be as follows:

<u>Land Use</u>	<u>Number of Parking Spaces</u>	<u>per Unit Measure</u>
Private/vacation home rental	1	Bedroom

U. Private/Vacation Home Rental

1. Purpose and intent
 - a) Douglas County and the Alexandria Area have a long history as a tourism and recreational destination. Private/vacation home rentals appear to benefit Douglas County economically in the areas of tourism and real estate. However, the use of residential properties for short-term vacation rental can have a negative impact on neighbors. Through a series of meetings and work sessions, the Douglas County Board of Commissioners identified the following findings concerning private/vacation home rentals:
 - (1) Private/vacation rentals provide primarily economic benefits to the community that may be realized through tourism revenue, increased sales of vacation properties, increased property values, improved maintenance of properties, all contributing to a greater property tax base.
 - (2) Some behavior of tenants using private/vacation rentals can impact neighboring residents with disruptive or annoying noise; traffic, congestion, and inappropriate parking; and unknowing or purposeful trespass.
 - (3) Frequent and continuous short-term rental use may affect health and safety of communities through impacts on air quality from campfires, over-use of septic systems, and risky or illegal behaviors.
 - (4) Inconsistent management, lack of rental policies, and limited communications between owners/managers and renters, neighbors, and regulators can exacerbate issues.
 - (5) Laws, statutes, and rules that control noise, parking, and trespass have not been widely adopted at the county or township level, and at the state level are largely aimed at criminal activity rather than recurring nuisances.
 - (6) State and county regulations exist to address health and safety concerns related to short-term lodging, but current definitions exempt private/vacation home rental from the requirements.
 - b) The intent of these proposed amendments to the zoning ordinance is to allow the use of private/vacation home rentals in appropriate zoning districts, but establish standards with the intent of mitigating or eliminating potential impacts to the health, safety, general wellbeing of neighboring property owners and tenants. Specifically the amendments are intended to:
 - (1) Establish basic performance standards for health and safety, and controls to address nuisance issues, that can be

enforced through the licensing of private/vacation home rental properties.

- (2) Require licensing of private/vacation home rentals to address most health, safety, capacity, and sanitation issues specific to this use.
- (3) Establish rental management standards that require owners or managers to be informed and locally available, as well as to proactively communicate with renters, neighbors, and county agencies to ensure the vacation rental is operated in compliance with state and local regulations while maintaining a positive relationship with neighboring homeowners.
- (4) Hold rental property owners and managers responsible for guest conduct through clearly defined enforcement measures, the severity of which should increase with the documentation of repeated violations.

2. License/Permits

- a) All uses that meet the definition of private/vacation home rental in Section VIII shall be licensed by the County (Horizon Public Health) for each year in which the rental use occurs and shall meet all requirements of the applicable sections of the Douglas County Lodging Ordinance.
- b) License holder must post the current license number on all advertisements or web-based reservation service pages.
- c) The following information shall be submitted to Horizon Public Health annually with the license application:
 - (1) Name and contact information for the local contact per subpart 4.a below.
 - (2) The aerial image of property and features per subpart 4.c(4) below.
 - (3) A current State/County septic compliance inspection form showing the system to be compliant, if one is present.
- d) A conditional use permit shall be required for private/vacation home rental where:
 - (1) There is more than one rental unit on a parcel and/or where two (2) or more Private/vacation home rentals are on contiguous parcels under common ownership (including immediate family members).
 - (2) The overnight guest occupancy in subpart 3.d will be exceeded.
 - (3) Events exceed the maximum capacity of persons on the property as set forth in subpart 3.g.

3. General requirements

- a) Noise levels shall not exceed the standards established in MN Rules, chapter 7030, or successor rules. Noise levels shall not exceed 50 dB for more than 30 minutes, as measured at the property line of the rental property, between the hours of 10 pm and 7 am.
- b) Parking shall meet the standards listed in Section V, subpart E of the zoning ordinance and:

- (1) Public streets and rights-of-way shall not be used for parking of trailers or overnight parking of vehicles by tenants.
 - (2) On-site vehicle parking shall be on a designated improved surface (gravel, class-5, asphalt, concrete, pavers)
 - (3) Trailer parking shall be designated and meet setback requirements below.
 - (4) Designated parking shall be set-back 10-ft from property boundaries.
 - c) The boundaries of the rental property shall be visually demarcated by signs, a fence, vegetation, landscaping, or other method as approved by the Director.
 - d) Overnight guest occupancy is the maximum number of overnight guests allowed at a private/vacation home rental without a conditional use permit. Overnight guest occupancy shall not exceed the lesser of the following limits unless a conditional use permit has been granted to do so:
 - (1) Three (3) overnight guests per bedroom.
 - (2) For a rental property with an individual septic treatment system considered to be substandard under Section VI. D. 2.c(3), the maximum number of overnight guests shall not exceed the total treatment capacity of the system in gallons per day divided by 75 gallons per overnight guest. (i.e.; $450\text{gal/day} / 75\text{gal} = 6$ overnight guests)
 - (3) Not more than a total of 12 overnight guests unless a conditional use permit has been issued where such a use is conditionally permitted.
 - e) The use of detached or temporary sleeping accommodations such as RVs, tents, fish-houses, campers or others to increase the overnight guest capacity shall be prohibited.
 - f) Not more than one private/vacation home rental unit shall be allowed on a parcel. More than one rental 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.
 - g) The property capacity is the total number of overnight guests and visitors allowed to be present on the property at any given time. The property capacity shall not exceed the following thresholds unless a conditional use permit has been granted as per subpart 2.d above:
 - (1) Two times (2x) the overnight guest occupancy for properties where neighboring dwellings are 200 ft or less from the rental dwelling or the property is less than 2 acres in area.
 - (2) Three times (3x) the overnight guest occupancy for properties where neighboring dwellings are more than 200 ft from the rental dwelling and the property is 2 acres or greater in area
4. Rental Property Management and Notifications
- a) The rental owner, operator, or manager shall designate a local contact who meets the following requirements:
 - (1) Is available 24 hours/day, seven days per week.
 - (2) Can respond by phone within 60 minutes and in-person within 120 minutes of notification.

- (3) Has administrative authority over the property and guests.
 - (4) Has knowledge of the vacation rental unit, the property, rental and County rules, standards, and procedures.
 - b) The rental owner, operator, or manager shall provide the name and phone number of the contact in subpart a) above to the County at the time of licensing and to all property owners within 200 ft of the rental property boundary. Any change of contact or contact information shall be noticed as above to the County and neighbors within 10 days of the change.
 - c) The following information shall be posted within the rental unit in a prominent location so as to be easily visible and read by the guests:
 - (1) The full name and phone number of the owner or operator
 - (2) The full name and phone number of the local contact person or local management agent
 - (3) Local emergency contact information (police, fire, ambulance, septic maintainer)
 - (4) Aerial image of the property clearly showing property boundaries, parking areas, shore recreational facilities, garbage receptacles, septic treatment system.
 - (5) The maximum number of overnight guests and total guest capacity of the property.
 - (6) The maximum number of parking spaces.
 - (7) Any applicable County or township ordinances governing noise, parking, pets, or lakes (AIS laws, water surface zoning).
 - (8) A copy of the Douglas County *Good Neighbor Brochure*.
 - d) The total permitted overnight guest occupancy and the total number of persons permitted on the property shall be included on all advertisements or web-based reservation service pages.
 - e) Prior to occupancy, the owner, operator, or manager shall:
 - (1) Obtain the full name, address, and vehicle license plate information from the person renting the property.
 - (2) Record the number of guests and dates of the rental.
 - (3) Require the guest(s) to formally acknowledge responsibility for the compliance by all tenants or guests with the applicable laws, rules, and ordinances pertaining to vacation rentals in Douglas County.
 - (4) Maintain a copy of the above records for one year and make available to the County upon request.
- 5. Sanitation
 - a) The private/vacation home rental shall be served by central sanitary sewer (ALASD) or be connected to a compliant individual septic treatment system (ISTS). If connected to an ISTS, the following shall be required:
 - (1) A current compliance inspection showing the system to be in compliance with State and local requirements shall be submitted with the application for license with Horizon Public Health.

- (2) An operating permit shall be required through the Land & Resource Department
- (3) The ISTS shall be pumped not less than annually and records shall be submitted to the County before the end of the calendar year.
- b) Garbage, refuse, or recycling shall be stored completely enclosed within designated refuse containers. The owner or operator of the rental unit shall provide sufficient trash storage containers and service to accommodate the demand of the occupants.

Section VIII. Definitions

Private/vacation home rental – any home, cabin, condominium, bedroom or similar building that is advertised as, or held out to be a place where sleeping accommodations are furnished to the public on a nightly, weekly, or for less than a 30-day time period, and is not a bed and breakfast, resort, hotel or motel.

Bedroom – a part of the inside of a private/vacation home that is divided from other areas by walls and a doorway and that has its own floor and ceiling that is furnished primarily as sleeping quarters, containing a bed or furniture that can convert to a bed, and having more than one egress.

Overnight guest – a person that is boarding overnight at a private/vacation home rental, hotel, motel, bed and breakfast, or resort.

Good Neighbor Brochure – A brochure to be given to guests that includes a summary of the County's regulations relating to private/vacation home rentals; local rules or ordinances related to lakes, aquatic invasive species, and water use; and best practices for neighborly behavior.

Person - a natural person over the age of 5 years, that is patronizing, staying, or visiting a private/vacation home either as the renter of the facility or a guest of the renter; or an individual, firm partnership, association, or corporation or other entity including the United States government, any interstate body, the state, and any agency, department, or political subdivision of the state.

~~Resort – One or more, together with accessory buildings, buildings available for rent or lease as a temporary residence to transient visitor and rented on a daily or weekly basis and used for the purpose of providing private recreational opportunities for guests.~~ An establishment that includes buildings, campgrounds, lodges, structures, dwelling units/sites, homes, enclosures or any part thereof kept, used, maintained or advertised as or held out to the public to be, a place where sleeping accommodations are furnished to the public and primarily to those seeking recreation, for periods of one (1) day, one (1) week, or longer, and having for rent two (2) or more homes, cabins, units, campsites or enclosures. All cabins, rooms, dwelling units/sites or enclosures must be included in the resort rental business. The entire parcel(s), lot(s), or tract(s) of land must be controlled and managed by the licensee.

Lodging Establishment – Lodging establishment means a building, structure, enclosure, or any part thereof used as, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished to the public as regular roomers, for periods of one week or more, and having five or more beds to let to the public. For the purpose of this ordinance, lodging establishment shall also include boarding establishment, hotel, motel, private/vacation home rental, and resort.

The above amendments to the Zoning Ordinance were approved by the Douglas County Board of Commissioners on March 6, 2018 and shall be in effect immediately, excepting subpart U.3.d, which shall not be enforced until after October 1, 2018.

Those voting yes: *Miller, Meyer, Stratton, England, Rapp*

Those voting no: *NONE*


Owen G. Miller, Chair Douglas County Board

ATTEST:


Heather Schlangen, Coordinator
Clerk of the Board
Douglas County, Minnesota

Affidavit of Publication
/STATE OF MINNESOTA)
County of Douglas) ss.

Jody Hanson, being first duly sworn, on oath states as follows:

1. I am the publisher of the Echo Press, or the publisher's designated agent. I have personal knowledge of the facts stated in this Affidavit, which is made pursuant to Minnesota Statutes §331A.07.

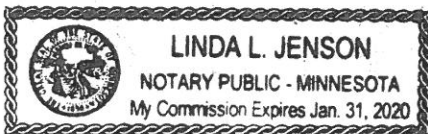
2. The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes §331A.02.

3. The dates of the month and the year and day of the week upon which the Public Hearing attached/copied below was published in the newspaper are as follows: Friday, the 16th day of February, 2018.

4. The publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to § 331A.06, is as follows: \$28.38.

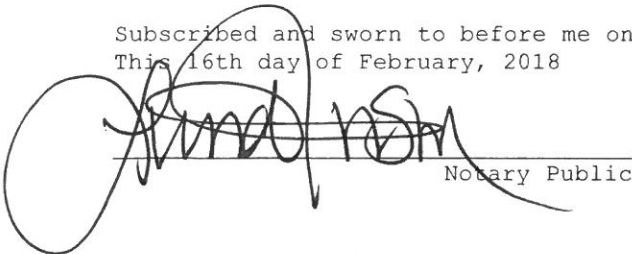
5. Mortgage Foreclosure Notices. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of issue is located in Douglas County. The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

FURTHER YOUR AFFIANT SAITH NOT.




[Signature]

Subscribed and sworn to before me on
This 16th day of February, 2018


Notary Public

Public Hearing
Zoning Ordinance
Published: Feb 16, 2018

2595853

Public Hearing

Publish February 16, 2018

NOTICE OF INTENT TO AMMEND THE DOUGLAS COUNTY ZONING ORDINANCE AND LODGING ORDINANCE TO ESTABLISH REQUIREMENTS AND STANDARDS FOR THE LICENSING AND OPERATION OF PRIVATE/VACATION HOME RENTAL USE IN ALL ZONING DISTRICTS.

Please take notice that on the 27th day of February at 6:05 p.m., the Douglas County Planning

Advisory Commission will hold a public hearing in the County Commissioners Room at the

Douglas County Courthouse, Alexandria, Minnesota 56308, on proposed amendments to

Sections III, V, and VIII of the Zoning Ordinance, and multiple sections of the Lodging

Ordinance. Proposed amendments will establish permitting and licensing requirements for the

short-term rental of private/vacation homes. The amendments also seek to establish standards

for the operation of such short-term rentals and definitions related to those uses. Amendments to

the Lodging Ordinance include changes that support permitting and licensing requirements, and

operational standards proposed in the zoning ordinance for private/vacation home rental,

including amendments to definitions. Additional amendments to the Lodging Ordinance include

revisions to Minnesota State Statute and Rule reference numbers. Copies of the draft

amendments to the Douglas County Zoning Ordinance and Lodging Ordinance are available in

the Land and Resource Management Department, Horizon Public Health Office, Douglas County

Public Library, and on the Douglas County website at

www.co.douglas.mn.us.

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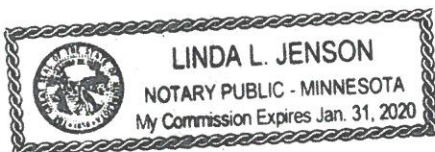
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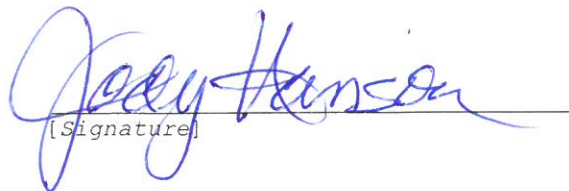
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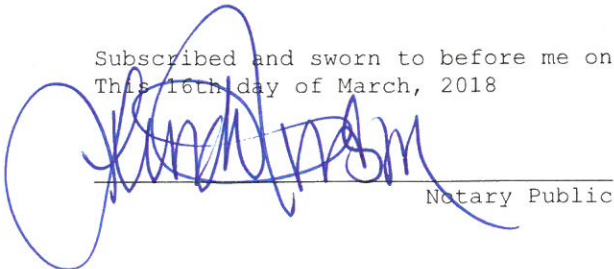
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FURTHER YOUR AFFIANT SAITH NOT.




[Signature]

Subscribed and sworn to before me on
This 16th day of March, 2018


Notary Public

Public Notice

Publish March 16, 2018

NOTICE OF ADOPTION OF AMENDMENTS TO THE DOUGLAS COUNTY ZONING ORDINANCE AND LODGING ORDINANCE ESTABLISHING REQUIREMENTS AND STANDARDS FOR THE LICENSING AND OPERATION OF PRIVATE/VACATION HOME RENTAL USE IN ALL ZONING DISTRICTS.

Notice is hereby given that on the 6th day of March, 2018, the Douglas County Board of Commissioners adopted amendments to the Zoning Ordinance and Lodging Ordinance es-

tablishing licensing and permitting requirements for private/vacation home rental, and creating standards for the operation of the use in all zoning districts in the County. The amendments were effective upon adoption, however enforcement of Section U, subpart 3.d will not be enforced until after October 1, 2018. Complete copies are available on the Douglas County Website (www.co.douglas.mn.us), at the Land & Resource Management Office, Horizon Public Health, and at the Auditor/Treasurer's Office. The following is a summary of the ordinance amendments:

Zoning Ordinance

Section III. Zoning District Regulations

This section establishes in what zoning districts private/vacation home rental is a permitted use, when a conditional use permit may be required for the use, and where the use is not permitted.

Section V. Performance Standards

Subpart E. This section provides the parking requirements for private/vacation home rental of one parking space for each bedroom.

Subpart U.1 This section establishes the purpose and intent of the amendment which is to allow the use of private/vacation home rentals in appropriate zoning districts, but establish standards with the intent of mitigating or eliminating potential impact to the health, safety, and general well-being of neighboring property owners.

Subpart U.2. This section requires all private/vacation home rentals to be licensed, and those that intend to operate exceeding the overnight guest occupancy limits and/or the property capacity limits must first receive a conditional use permit. Private vacation home rentals are not a permitted use in the industrial zoning district.

Subpart U.3. This section establishes standards for the operation of a private/vacation home rental and the conditions under which they must be met. Standards are established for noise, parking, property boundary demarcation, overnight guest occupancy, total capacity of persons on the property, use of accessory housing facilities, number of rental units per property, and notifications to renters, neighbors, and county.

Subpart U.5. This section establishes requirements for wastewater collection and treatment systems and garbage containment and collection at private/vacation home rentals.

Section VIII. Definitions

This section includes definitions for terms that are necessary for the clear interpretation and understanding of the ordinance. Defined terms include Private/vacation home rental, bedroom, overnight guest, Good Neighbor Brochure, person, resort, and lodging establishment.

Lodging Ordinance

Section 2. Legal Authority: The following change was made to the statute reference: "MN. SS. Chapter 145A.07."

Section 3. Definitions: The following definitions were modified or added: bedroom, hazard, lodging establishment, overnight guest, person, and private/vacation home rental.

Section 4. Plan Review of Future Construction

4.1. "Public swimming pools/spa plans must be submitted to the Minnesota Department of Health" was added.

4.2. Section reference changed to "Section 4.1."

Section 6. Regulatory Agency: Added: "5) Assist in the enforcement of Section V.U of the Douglas County Zoning Ordinance or successor section pertaining to private/vacation home rental."

Section 9. Inspection/Enforcement:

9.1 Amended to read: "Horizon Public Health shall inspect lodging es-

tablishments according to Minnesota Statutes, Chapter 157, and Chapter 327 (327.10-327.13), Chapter 4625 (parts 4625.0100 to 4625.2300) and rules adopted under Minnesota Statutes, Chapter 157, and the Horizon Inspection and Enforcement Policy. Horizon Public Health shall also have the authority to inspect lodging establishments (including private/vacation home rental) for compliance with Section V.U of the Douglas County Zoning Ordinance."

Section 10. Suspension and revocation of license:

10.1 Amended to read: "Licenses may be suspended temporarily by the Agency, at any time for failure by the holder to comply with the requirements of this ordinance, or compliance with Section V.U of the Douglas County Zoning Ordinance where applicable."

10.3 Added: "and (Chapter 327 (327.10-327.13))."

10.4 Amended to read: "Revocation of License. In addition to the suspensions referred to in subpart 10.1 above, for violations of any of the requirements of this ordinance, Section V.U of the Douglas County Zoning Ordinance, or Minnesota Rules, Chapter 4625, parts 4625.0100 to 4625.2300, or Chapter 327 (327.10-327.13), the license may be permanently revoked after an opportunity for a hearing before the Appeals Board has been provided."

Section 13. Variances

13.1 A. Amended to read: "Request. A party may ask Horizon Public Health, as the Regulatory Authority, to grant a variance from the following Minnesota Rules Chapter 4717, part 4717.7000, subpart 1.(D). Horizon Public Health shall not have the authority to consider nor grant variances to provisions of the Douglas County Zoning Ordinance."