

CITY OF ROCKVILLE

City Hall 229 Broadway Street East PO Box 93 Rockville, MN 56369

Planning/Zoning Commission Meeting Tuesday, May 1, 2018 – 6:00 p.m. at City Hall

AGENDA

1. **Roll Call**
2. **Additions/Approval of Agenda** 1
3. **Approval of April 3, 2018 Meeting Minutes** 2
4. **Public Hearing: Troy J. and Sheila Fritz – Lot Coverage Requirements** 6
Section 33; subv 12(b) A 3 On a General or Recreational Development Lake, 15%, except that a lot of record may contain up to 20% impervious surface, without a variance.

Section 32; subv 10, I - Maximum coverage by all impervious surfaces shall be as provided in Section 33 Stormwater Management. If no standard applies the maximum impervious surface shall be twenty-five percent.
5. **Zoning Amendment Request, (postponed from 04.03.18) Alex and Korla Molitor** 25
Section 17, R-1, Subdivision 4, to allow as a CUP a Bed and Breakfast Type and/or Vacation Rental (60 Day Rule)
6. **March/April Building Permits** 36
7. **Planning Commission Resignation**
8. **Other Business**
 - a) Next meeting Tuesday, June 5, 2018, 6:00 P.M. (Public Hearing)
9. **Adjournment**

*This agenda has been prepared to provide information regarding an upcoming meeting of the Rockville City Planning Commission. This document does not claim to be complete and is subject to change.

MINUTES OF THE REGULAR PLANNING AND ZONING COMMISSION MEETING
Tuesday, April 3, 2018, 6:00 p.m. – Rockville City Hall

Item 1) Roll Call - The meeting was called to order by Chair Bill Becker at 6:00 p.m. Roll call was taken and the following members were present: Brian Herberg, Dave Meyer, Tom Molitor, and Jerry Tippelt.
Staff present: City Administrator, Martin Bode.
Others present: various members of the public.

Item 2) Approval of Agenda/Amendments

Motion by Tippelt, second by Herberg, to approve the agenda as presented. Motion carried unanimously.

Item 3) Approval of March 6, 2018 Meeting Minutes

Motion by Meyer, second by Molitor, to approve the March 6, 2018 meeting minutes as presented. Motion carried unanimously.

Item 4) Public Hearing: Zoning Amendment

-Section 17, R-1, Subdivision 4, to allow as a CUP a Bed and Breakfast and Vacation Rental By Owner (VRBO)
-Section 8, Definitions add VRBO

STAFF REPORT

RE: Application to Amend Rockville City Zoning and Conditional Use Permit
Parcel I.D. No. 76.42340.0005 - Section 21, Township 123, Range 029
Owner: Alex and Korla Molitor
Property Address: 10919 Mitchell Lane

Request:

- 1) To amend Rockville Zoning to allow for Vacation Rental by Owner (VRBO)
- 2) CUP application to operate a Bed and Breakfast Type/VRBO in an R-1, Shoreland District

Relevant Information:

- 1) Property is zoned R-1 Single Family Residential in a Shoreland Overlay District
- 2) Property is ~~.38~~ +/- acres (*correct acreage = 3.47*)
- 3) 10 notices of public hearing were sent out
- 4) Currently not a permitted use
- 5) Property has an approved rental license, however this license was approved without City acknowledgment that it is a Bed and Breakfast type/VRBO

Action Items to Consider:

- 1) Amend Section 8 descriptions to include VRBO
Define VRBO: Stearns County, **Vacation/Private Home Rental:**
A single family dwelling and/or related structure that is rented out on a transient basis for a charge.
A transient basis shall be any period of time less than thirty (30) consecutive days.
- 2) Amend Section 17; Subdivision 4, Conditional Use to include VRBO and Bed and Breakfast
- 3) Approve Molitor CUP application
- 4) a. Postpone any action on amending Rockville Zoning to allow further research
b. Deny Molitor CUP – currently not a permitted use
c. Stay enforcement of Molitor violation notice until 12/31/2018 per item 4 a.
- 5) Deny application(s) in its entirety

Edward Zapp, 21785 Agate Beach Road, questioned hotel/motel and VRBO. Administrator Bode provided an explanation.

Korla Molitor, 10919 Mitchell Lane property owner, clarified their rental property purpose.

Richard Luckerth, 8282 County Road 6, spoke in favor of VRBO's.

Jack Tamble, 10855 Mitchell Lane, questioned the rezoning request. He was opposed to the request.

Candace Benoit, Grand Lake property, opposed the VRBO.

Mike Hetherington, 10893 Mitchell Lane, opposed the VRBO.

Jim Bartelme, 21917 Agate Beach Road, questioned the rules and regulations of a VRBO.

Gavin Schmitt, 401 Cedar Street, also questioned the rules and regulations of a VRBO and spoke in favor of the VRBO.

Judy Litterst, 9330 Ahles Road, favored the VRBO.

Motion by Molitor, second by Meyer, to close the Public Hearing at 6:34 p.m. Motion carried unanimously.

Planning Commission held further discussion. Administrator Bode pointed out the correct acreage of the property is 3.47 acres.

Motion by Tippelt, second by Herberg, to postpone any action on amending Rockville Zoning to allow further research and to stay enforcement of Molitor violation notice until 12/31/2018 and. Motion carried unanimously.

Item 5) Public Hearing: Conditional Use Permit – Alex and Korla Molitor

Staff Report

RE: Application to Amend Rockville City Zoning and Conditional Use Permit

Parcel I.D. No. 76.42340.0005 - Section 21, Township 123, Range 029

Owner: Alex and Korla Molitor

Property Address: 10919 Mitchell Lane

Request:

- 1) To amend Rockville Zoning to allow for Vacation Rental by Owner (VRBO)
- 2) CUP application to operate a Bed and Breakfast Type/VRBO in an R-1, Shoreland District

Relevant Information:

- 1) Property is zoned R-1 Single Family Residential in a Shoreland Overlay District
- 2) Property is ~~38~~ +/- acres (*correct acreage = 3.47*)
- 3) 10 notices of public hearing were sent out
- 4) Currently not a permitted use
- 5) Property has an approved rental license, however this license was approved without City acknowledgment that it is a Bed and Breakfast type/VRBO

Action Items to Consider:

- 1 Amend Section 8 descriptions to include VRBO
Define VRBO: Stearns County, **Vacation/Private Home Rental:**
A single family dwelling and/or related structure that is rented out on a transient basis for a charge.
A transient basis shall be any period of time less than thirty (30) consecutive days.
- 2) Amend Section 17; Subd 4, Conditional Use to include VRBO and Bed and Breakfast
- 3) Approve Molitor CUP application
- 4) a. Postpone any action on amending Rockville Zoning to allow further research
b. Deny Molitor CUP – currently not a permitted use
c. Stay enforcement of Molitor violation notice until 12/31/2018 per item 4 a.
- 5) Deny application(s) in its entirety

Korla Molitor, 10919 Mitchell Lane, explained the reason and purpose of the VRBO.
Alex Molitor, 10919 Mitchell Lane, further explained their reasoning and purpose of the VRBO.
Jim Nicol, 11317 Hubert Lane, spoke in favor of the Molitor's.
Richard Luckerth, 8282 County Road 6, spoke in favor of the Molitor's.

Motion by Herberg, second by Molitor, to close the Public Hearing at 6:59 p.m. Motion carried unanimously.

Administrator Bode stated that due to the fact that there was not any action to include this type of rental as a conditional use in an R-1, it is therefore still not a permitted use at this time, and therefore the Planning Commission should consider denying the permit. Bode recommends that this ruling not infringe on the Molitor's ability to reapply for a future CUP if and when the City would decide to approve of amending the R-1 zoning to include this type of activity.

Motion by Herberg, second by Molitor, to deny the Molitor Cup application. Motion carried unanimously.

Item 6) Public Hearing – Irene Schneider Trust Preliminary Plat and Rezone

Staff Report

RE: Property Subdivision/Preliminary Plat, Variance and Rezone
Parcel I.D. No. 76.42170.0051 and 76.42170.0050 - Section 25, Township 123, Range 029
Owner: Irene Schneider Trust and Jonathan Schneider
Property Address: 7788 County Road 41
Plat known as: Schneider Farm

Request

1. Preliminary Plat application of eleven (11) new lots and one (1) existing.
2. Rezone lots from Ag-40 to R-R and amend the City's Future Land Use Map

Relevant Information

1. Property is zoned Ag-40.
2. Total plat area is 94.65 +/- acres.
3. There are eleven (11) new lots and one (1) existing lot being proposed to be sub-divided.
4. Purpose is residential development.
5. Not conducive to long-term agriculture use; wooded area, rock outcroppings, and marginal soils.
6. 16 Public Hearing notices were mailed out.
7. Developers Agreement will be drafted prior to Final Plat.

Recommendation

Consider Approval of:

1. Preliminary Plat
2. Rezone lots from Ag-40 to R-R

Dan Kron, surveyor, O'Malley & Kron Land Surveyors, stated he was working with the Schneider's and explained the preliminary plat.

Paul Massmann, 7468 County Road 141, expressed opposition to the preliminary plat and rezone.
Tim Peters, Schneider's spokesperson and attorney, explained the reasoning for the preliminary plat and rezone.
Kevin Voigt, 7819 County Road 141, opposed the preliminary plat and rezone.
Mary Backes, 8286 County Road 141, opposed the preliminary plat and rezone.

Motion by Tippelt, second by Herberg, to close the Public Hearing at 7:19 p.m. Motion carried unanimously.

Motion by Tippelt to deny the preliminary plat and application to rezone. Motion failed due to a lack of a second.

Motion by Becker, second by Herberg, to approve the Irene Schneider Trust Preliminary Plat and Rezone as presented. Roll call voting yes: Herberg, Becker, Molitor and Meyer. Voting no: Tippelt. Motion carried on a four to one vote.

Item 7) March 2018 Building Permits

None to report for March 2018.

Item 8) Barnier Findings of Fact

After review, motion by Becker, second by Herberg to approve of the Elaine Barnier Revocable Trust Findings of Fact regarding the Setback and Impervious Surface Variance request that the Planning Commission approved at their February 6, 2018 Planning Commission meeting. Motion carried.

Item 9) Simones Findings of Fact

After review, motion by Becker, second by Meyer to approve of the David A. Simones Findings of Fact regarding the Accessory Structure Variance request that the Planning Commission approved at their March 6, 2018 Planning Commission meeting. Motion carried.

Item 10) Other Business

- a. Next meeting Tuesday, May 1, 2018 at 6:00 p.m.

Item 11) Adjournment

ADJOURNMENT – *Motion by Meyer, second by Tippelt, to adjourn the meeting at 7:33 p.m. Motion carried unanimously.*

Respectfully submitted,

*Martin M. Bode
Zoning Administrator*

STAFF REPORT

May, 1 and May 9,, 2018

Rockville Planning Commission; City Council

Re: Impervious Surface Variance Request From:

Owners: Troy J. and Sheila M. Fritz
Property Address: 11128 Grand Lake Road
Parcel No. 76.41649.0300

Variance(s) Requested:

1. To exceed the 20 percent impervious surface requirement in a R-1-Shoreland Overlay District on Grand Lake, a General Development Lake

(Section 33; subv 12(b) A 3 On a General or Recreational Development lake, 15%, except that a lot of record may contain up to 20% impervious surface, without a variance.

*Section 32; subv 10, I - Maximum coverage by all impervious surfaces shall be as provided in Section 33 Stormwater Management. If no standard applies, the maximum impervious surface shall be **twenty-five percent**)*

Relevant Information:

1. Owners propose to remove existing cabin and construct a new home
2. Property contains 29,620 square feet (.68 +/-)

Impervious Service:

- 15% is 4,443 sf
- 20% is 5,924 sf
- 25% is 7,405 sf
- Proposed is 6,684 (22.57%)
- 10 notices of public hearing were sent out

RECOMMENDATION

1. Consider Approval with stipulation of installation of a rain garden for mitigation of 2,241 sf of run off.

Submitted by:
Martin M. Bode
Zoning Administrator



CITY OF ROCKVILLE

229 Broadway Street East

P.O. Box 93

Rockville MN 56369

Phone 320-251-5836

Fax 320-240-9620

Duane Willenbring, Mayor
Vince Schaefer, Councilor
Don Simon, Councilor
Richard Tallman, Councilor
Jerry Tippelt, Councilor

Martin M. Bode, City Administrator
Judy Neu, Finance/Billing Clerk/Admin Asst.
Nick Waldbillig, Public Works Director
Gene Van Havermaet Maintenance/Mechanic
Debbie Weber, Administrative Assistant

Rockville City is an equal opportunity provider and employer

NOTICE OF PUBLIC HEARING CITY OF ROCKVILLE

Notice is hereby given that the Rockville City Planning Commission will hold a public hearing on **Tuesday, May 01, 2018 at approximately 6:00 p.m. at Rockville City Hall - 229 Broadway Street East** to consider the request of Troy J. Fritz and Sheila M. Fritz for a variance from Lot Coverage Requirements. The address of the property is: 11128 Grand Lake Road, Rockville, MN, Stearns County, Parcel No. 76.41649.0300

The request is to take down current cabin and construct a permanent dwelling in the R-1, Shoreland Overlay District. Variances are required for: Impervious surface lot coverage.

All persons attending the hearing and wishing to address the Planning Commission will have an opportunity to do so. Those not able to be present at this meeting should submit their opinions in writing to the Rockville City Administrator/Clerk, P.O. Box 93, Rockville, MN 56369 prior to the hearing.

Martin M. Bode
City Administrator/Clerk

Publish 04/17/2018
Cold Spring Record

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- Legend**
-  City Limits
 -  Parcels
 -  PW1 Watercourse
 -  PW1 Basin

Fritz Variance
11128 Grand
Lake Rd



Disclaimer:

This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices, and other sources affecting the area shown, and is to be used for reference purposes only. The City of Rockville is not responsible for any inaccuracies herein contained.



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STATE OF MINNESOTA)
)ss.
COUNTY OF STEARNS)

AFFIDAVIT OF SERVICE

Debbie Weber, being duly sworn, on oath says that at the City of Rockville in said County and State, on the **18th** day of **April, 2018**, he/she served the annexed Notice on see attachment, the person therein named, personally, by then and there handing to and leaving with him/her a true and correct copy of said Notice.



Signature

Subscribed and sworn to before me this 18th day of April, 2018.



Notary Public Signature

Notary Public Stamp

Name	Address	City
KAROL E RINGSMUTH TRUST	11024 GRAND LAKE RD	COLD SPRING MN 56320-9525
PEGGY SCHULZ	11028 GRAND LAKE RD	COLD SPRING MN 56320
DOUGLAS E & BETH M LARSEN	11056 GRAND LAKE RD	COLD SPRING MN 56320
HAROLD A & EVELYN T MOLITOR TRUST	11092 GRAND LAKE RD	COLD SPRING MN 56320
TROY J & SHEILA M FRITZ	11128 GRAND LAKE RD	COLD SPRING MN 56320
BRADLEY J BACON	11134 GRAND LAKE RD	COLD SPRING MN 56320
MICHAEL F SKINNER	11168 GRAND LAKE RD	COLD SPRING MN 56320
MICHAEL A ROTH	11190 GRAND LAKE RD	COLD SPRING MN 56320
GREGORY F & DEBORAH M HESS	11212 GRAND LAKE RD	COLD SPRING MN 56320
MARVIN MOLITOR	11232 GRAND LAKE RD	COLD SPRING MN 56320

10 Notices

CITY OF ROCKVILLE
APPLICATION FOR VARIANCE REQUEST: Fee \$200
RECORDING FEE \$ 46.00 (PER DOCUMENT)

Need separate checks: 1 for variance request & 1 for recording fee(s)

Need a Copy of Deed

PLEASE NOTE: ANY COSTS (i.e. LEGAL, ENGINEERING, ADMINISTRATIVE, STEARNS COUNTY FEES, ETC) INCURRED OVER AND ABOVE THE APPLICATION FEE ARE THE RESPONSIBILITY OF THE PETITIONER

PROPERTY LOCATION/ADDRESS: 11128 Grand Lake Rd Cold Spring MN 56320

LEGAL DESCRIPTION: see attached PARCEL#: 76.41649.0300 ZONING: _____

EXPLANATION OF REQUEST: Request for Variance for Impervious Surface Area

Provide Individual property owner names/addresses within 350 feet or nearest 10 property owners, whichever is greatest.

If replacing an existing structure, what will be done with the old structure? _____

Has a variance request been made previously on this property? NO If yes, when? _____

PROPERTY OWNER:

Name (Print): <u>Troy J Fritz</u> Phone: <u>320 249-4753</u>			
<small>First Name</small>	<small>Middle Initial</small>	<small>Last Name</small>	
Address: <u>11128 Grand Lake Rd Cold Spring MN 56320</u>			
Signature (required): <u>[Signature]</u>			Date: <u>4-4-18</u>
<small>*Signature of property owner shall serve as acknowledgement and authorization of this request.</small>			

APPLICANT:

Name (Print): <u>Troy J. Fritz</u> Phone: <u>320 249-4753</u>	
Address: <u>11128 Grand Lake Rd Cold Spring MN 56320</u>	
Signature (required): <u>[Signature]</u>	Date: <u>4-4-18</u>
<small>(I hereby certify that I have read the above information and I agree with the terms).</small>	

STAFF USE ONLY:

Permit# <u>18-03V</u>	
R# _____	Variance Application Fee Check # <u>12191</u> Date <u>4/06/18</u> 101.41000.34103 \$200.00
R# _____	Reimb. for Invoice Check# <u>12192</u> Date <u>4/06/18</u> 101.41000-34102 \$46.00

VARIANCE JUSTIFICATION FORM

Please use this form to explain how your variance request meets the three requirements for a variance.

- Practical difficulties:

Currently we have plans to take down a current cabin on the property to build a permanent home. The lot size is .68 acres (29,620 sq ft). Calculation with all impervious surfaces put on property with the new build at 6,684 sq ft of impervious surface or 22.57%, we wish to request a variance to accommodate for stormwater runoff. The attached site plan shows all hard surfaces expected with the build. Plans are to utilize rain gardens to meet requirement of stormwater runoff management with a 230 sq feet of rain gardens

- Unique circumstances:

we plan to utilize the required rain garden planning of 230 sq feet to (12" deep) account for the overage of 2,241 sq ft in impervious surfaces above the allotted 1530. The house will also utilize gutters to direct rain water from the home to rain garden area.

we may also utilize the ~~4~~ 18" deep rain garden if space proves limiting to meet the required need.

- Applies to the Individual Property:

The project plan solely applies to the property of our home + does not include adjoining properties

A variance cannot be granted unless evidence is presented that satisfies, at a minimum, the three conditions above. Failure to adequately provide such information may result in a denial of your request for a variance.

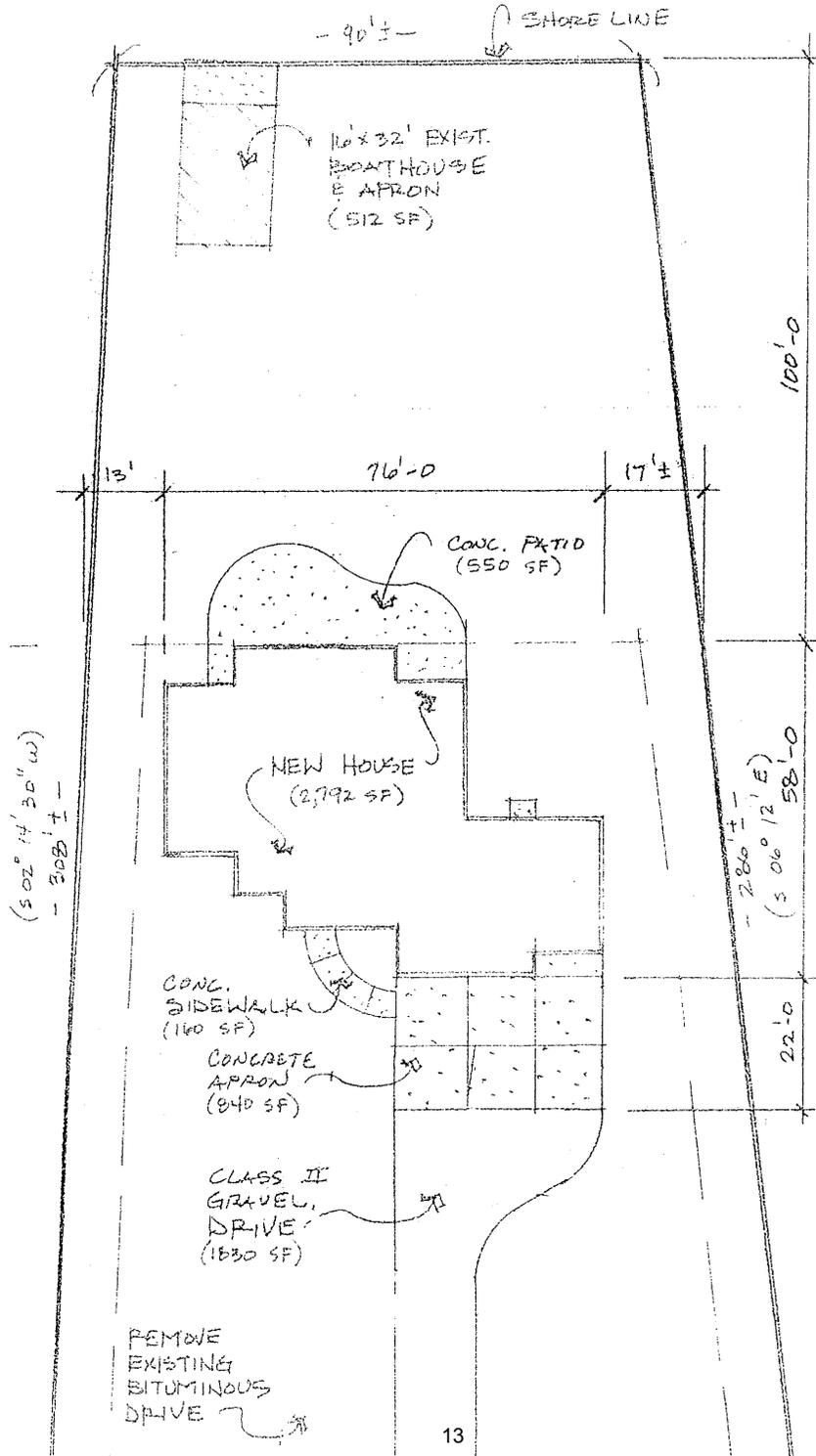
(Attach additional sheets if necessary).

USE THE BACK OF THIS FORM TO LIST ALL ADJOINING PROPERTY OWNERS WITHIN 350 FEET OR NEAREST 10 PROPERTY OWNERS, WHICHEVER IS GREATEST.

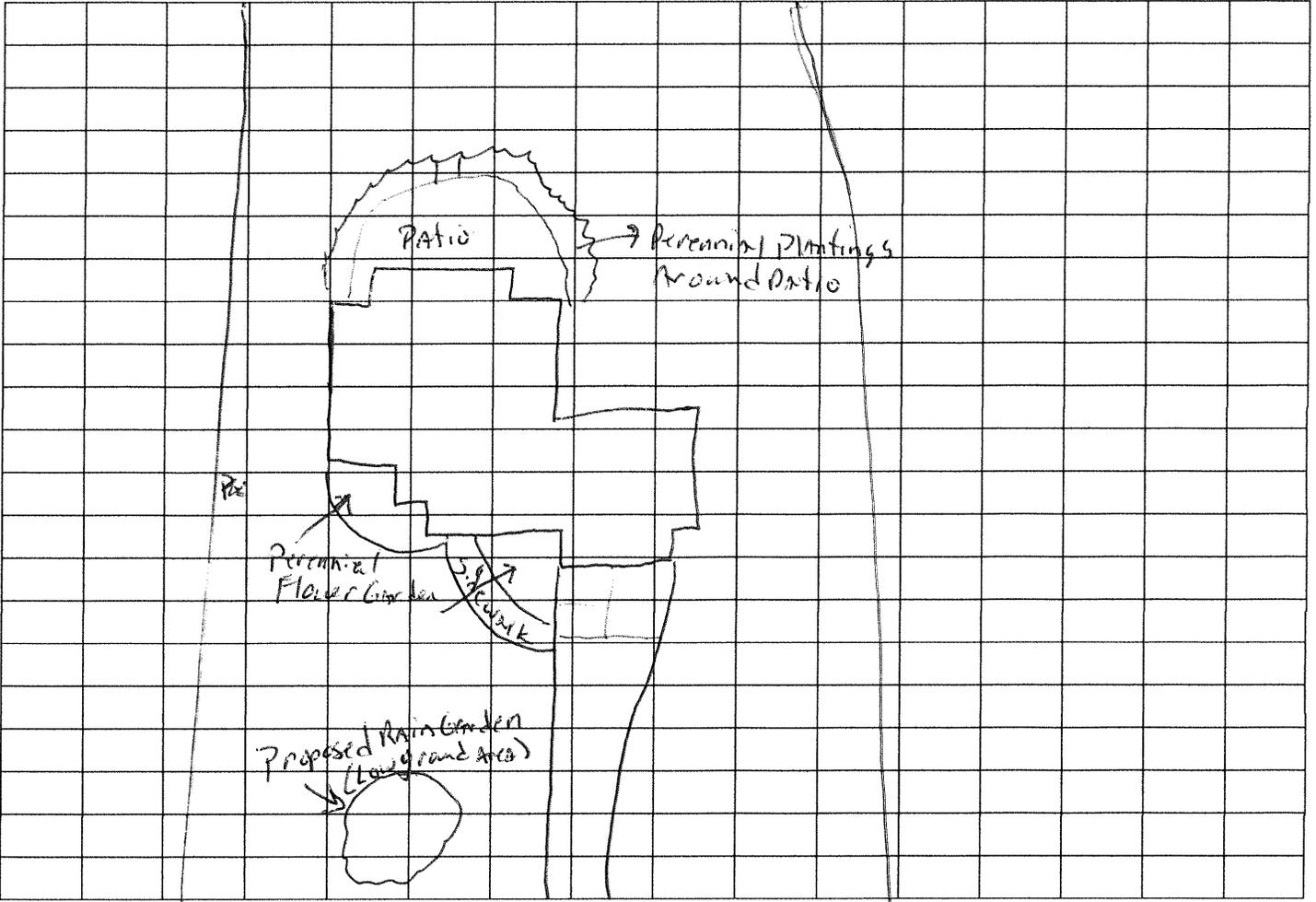
TOTAL PROPOSED & EXISTING IMPERVIOUS SURFACES

- EXIST. BOATHOUSE	- 512 SF
- PROPOSED HOUSE	- 2,792 SF
- SIDEWALKS & PATIO	- 710 SF
- DRIVE & APRON	- 2,670 SF
TOTAL	6,684 SF
LAND	27,620 SF (168 ACRES)

GRAND LAKE



Lake



The undersigned hereby certifies that they are the owner of the property located at:

1128 Grand Lake Rd Cold Spring MN 56320

And hereby agrees to locate the proposed Rain garden & Perennial Gardens as shown by the diagram above if a variance is granted, and further certifies that the block plan shown by the diagram above is a current and correct plan of structures that exist on said property.

[Signature]
Signature of Applicant

4-4-18
Date

(I hereby certify that I have read the above information and I agree with the terms).

**CITY OF ROCKVILLE
VARIANCE APPLICATION AND THE PROCESS**

VARIANCES

No variance in the provisions or requirements of this Ordinance shall be authorized by the City Council unless it finds evidence that the following facts and conditions exist:

1. **Unique Circumstances**. That there are exceptional or extraordinary circumstances or conditions applying to the property in question as to the intended use of the property that do not apply generally to other properties in the same zoning district. The unique circumstances did not result from the acts of the property owner.
2. **Necessary to Preserve reasonable use of the property**. The property cannot be put to a reasonable use without the variance. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same district and in the same vicinity.
3. **Not merely economic**. The possibility of increased financial return or economic consideration will not in itself be deemed sufficient to warrant a variance if a reasonable use for the property exists under this Ordinance's terms. This means that cost or money savings cannot be the only reason for the variance.
4. **Maintains the Character of the Neighborhood**. The variance will not alter the area's essential character of the neighborhood.
5. **Meets the Spirit of this Ordinance and Comprehensive Plan**. The variance maintains the spirit and intent of this Ordinance and the Comprehensive Plan.

OTHER CONSIDERATIONS

1. **Solar Energy Systems**. Practical difficulties shall include, but not be limited to, inadequate access to direct sunlight for solar energy systems.
2. **Earth Sheltered Homes**. Variances shall be granted for earth sheltered construction as defined in Minn. Stat. ' 116J.06, Subd. 2, when in harmony with this Ordinance.
3. **Non-permitted Use**. The City Council may not permit as a variance any use that is not permitted under this Ordinance for property in the zone where the affected person's land is located.
4. **Temporary Use for one family dwelling**. The City Council may permit as a variance the temporary use of a one (1) family dwelling as a two (2) family dwelling.
5. **Variances in Floodplain Districts**. No variance shall have the effect of allowing a Floodplain District a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area or permit standards lower than those required by state law.
6. **Conditions**. The City Council may impose conditions in granting variances to insure compliance and protect adjacent properties.

VARIANCE PROCEDURE

1. **Application Filing Required.** A person applying for a variance must fill out and submit to the Zoning Administrator a Variance Application form.
 - A. Application filled out & signed
 - B. Variance justification form filled out: (A variance cannot be granted unless evidence is presented that satisfies, at a minimum, the 3 questions on the justification form. Failure to adequately provide such information may result in a denial of your request for a variance.)

2. **Copy of Deed.**

3. **Provide Individual Property Owner names:** Within 350 feet or nearest 10 property owners (whichever is greatest).

4. **Required Fees.** A fee the City Council shall establish by resolution must accompany the application. **An additional fee may be charged for a typical projects, which in the opinion of the Zoning Administrator will require additional staff time and/or City expenditures. In such case, the applicant must reimburse the City for administrative time and professional services and costs incurred by the City.**
 - ◆ The required fee offsets –Staff time, publishing the public hearing notice, mailing the notice to property owners, the regular scheduled meetings of the Planning Commission & Council.
***Note: There is an additional cost to hold a special meeting.

5. **Detailed material.** Fully explaining the specific variance request.

6. **Application must include a site plan**
******Site Plan shows the following, as applicable:***
 - A. Site description (legal description).
 - B. ~~A Certificate of Survey~~
 - C. Site plan drawn to ~~scale~~ showing the parcel and building dimensions, area and setbacks.
 - D. Location of all existing and proposed buildings and their square footage.
 - E. Curb cuts, driveways, access roads, parking spaces, off-street loading areas, sidewalks, vehicular circulation, and snow storage locations.
 - F. Landscaping and screening plans.
 - ~~G.~~ Waste facilities including enclosure and screening.
 - ~~H.~~ Drainage and grading plan.
 - ~~I.~~ Sanitary sewer and water plan with estimated use per day.
 - ~~J.~~ Soil type.
 - ~~K.~~ Any additional written or graphic information reasonably required by the Zoning Administrator or the Planning Commission.

7. **Notice for Floodplain Properties.**
 1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance; and
 2. Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.

1-15

When a complete variance application is on file. (Here are the next steps)

1. **Referral to Planning Commission.** After the Zoning Administrator has reviewed the application and the date has been set for the public hearing, the Zoning Administrator shall refer the application to the Planning Commission, together with the Zoning Administrator's review and recommendations regarding the application.
2. **Planning Commission Review.** The Planning Commission shall consider the request at their next regularly scheduled meeting and shall make a recommendation and report to the City Council
 - A. The applicant or the applicant's representative(s) must appear before the Planning Commission in order to answer questions concerning the Variance application.
3. **Recommendation by the Planning Commission.** After reviewing the Variance, the Planning Commission will make a written report and recommendation to the City Council.
4. **Decision by City Council.** Upon receiving the Planning Commission's report and recommendation to the City Council as to whether or not a variance should be granted. The City Council, acting as the Board of Adjustment will make the final decisions on all variances.
 - A. **Appearance by Applicant.** The applicant or applicant's representative(s) must appear before the City Council in order to answer questions concerning the variance application.
5. **Vote Required.** Approval of any Variance to this Ordinance will require passage by a majority of the votes cast.
6. **Conditions and/or Revisions.** If the City Council grants the Variance, it may impose conditions it considers necessary to protect public health, safety and welfare. The City Council may also revise the variance to ensure that it is the minimum variance required.
7. **Written Findings.** The City Council will issue written findings stating the reasons for its decision and any conditions imposed, and will serve a copy if its decision on the applicant by U.S. mail, within ten (10) days after its decision. In any event, the City Council will make a decision on each Variance application within sixty (60) days after the Zoning Administrator receives the application or will extend the time for consideration under state law.
8. **Recording.** A certified copy of every Variance to abstract or registered property shall be filed with the Stearns County Recorder. The variance shall include the legal description of the property involved.
 - ◆ Stearns County Recorder office charges a fee to record the legal document.
The Applicant is responsible for those fees.
9. **Resubmission.** No application, which is substantially the same as and application of a denied Variance shall be resubmitted for a period of one (1) year from the date of the denial. The City Council may permit a new application if, in its opinion, new evidence or a change in circumstances warrant reconsideration.

APPEALS AND ADMINISTRATIVE DECISIONS

Appeals of decisions of the Zoning Administrator will be heard by the City Council provided that the person making the appeal files an application for a hearing within thirty (30) days after the decision to be appealed was delivered to the applicant by the Zoning Administrator. The following procedure will be followed:

1. **Application.** The person making the appeal must apply for a hearing before the City Council on forms provided by the Zoning Administrator.
2. **Notice and Hearing.** The City Council will schedule a hearing on the appeal.
 - A. At least ten (10) days prior to the hearing a notice will be published in the official county newspaper.
 - B. The City Council will make their decision within thirty (30) days of the public hearing or may extend the time for consideration as permitted by state law.

LAPSE OF VARIANCE

If within one (1) year after granting a Variance the work permitted is not started, such variance shall become null and void unless a petition for an extension has been approved by the City Council.

THE STEPS:

1. Provide a complete application by the ^{1st} Tuesday of the month to be on the following month's Planning Commission Agenda.
2. **DATE:** 5-1-18 Planning Commission –May schedule a site visit; hold the public hearing at their meeting and make a recommendation to the Council at the next City Council meeting.
3. **DATE:** 5-9-18 Council - (Meets ^{3rd} Wednesday of month) Makes the final decision–if Council grants the Variance Request.
4. Applicant:
 - ◆ If applicant waits for Council approval before providing the plans the next step is to fill out the Building Permit Application & provide 2 full sets of plans to City Hall.
 - ◆ If Applicant provided the Building Permit Application & 2 full sets of plans with the variance request. The applicant will need to notify City Hall that the plans that are on file are correct. This process will not be forwarded to the Building Official until applicant contacts City Hall.
DATE: _____ **Applicant should call City Hall.**
5. Building Official-Reviews the plans (allow 4-6 days). Once City Hall receives the plans back, Staff will notify the Applicant with the cost of the building permit.


(Applicant Signature)

4-4-18
Date

(I hereby certify that I have read the above information and I agree with the terms.)

VARIANCE INFORMATION SHEET

Variance Definition: *A modification of the literal provisions of this ordinance granted when strict enforcement would cause practical difficulties owing to circumstances unique to the individual property on which the variance is granted. The crucial points of the variance are (a) practical difficulties, (b) unique circumstances and (c) applying to individual property. A variance is not justified unless all three elements are present in the case. District boundary lines, zoning, property use, or non-conforming use restrictions shall not be revised or amended by granting a request for variances.*

Variance: Where there are practical difficulties or unusual hardships in the way of carrying out the strict letter of the provisions of this ordinance, the Governing Body shall have the power, in a specific case to permit a variance from the provisions of this ordinance (see definition of variance). A variance permit shall expire after ninety (90) days following date of issuance unless written application for time extension is received and granted by the Governing Body prior to such expiration date.

WHEN IS A VARIANCE APPROPRIATE? A variance may be needed when a landowner wishes to develop property, and due to the uniqueness of their lot, they are unable to comply with the ordinance.

CAN ANYONE GET A VARIANCE? No. The courts have said the applicant has a “heavy burden of proof” to show there are no reasonable development options, and there is “hardship” in following the rules of the ordinance.

WHAT IS A HARDSHIP? “Hardship” as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. (Minnesota Statutes 394.27)

HOW DO I APPLY FOR A VARIANCE? You must submit a completed application and a site plan (to scale) that shows all physical characteristics of your property to the Planning/Zoning Committee. There is an example of a site plan attached to the variance application. This site plan must include: accurate property dimensions and shape, road centerline and right-of-way, all existing and proposed structures with dimensions, septic system, wells, driveways, city services, nearby structures on adjacent property, steep slopes, topographic alterations, wetlands, etc. All site plans must be signed and dated by the applicant.

WHO DECIDES IF I WILL GET A VARIANCE? After submitting the application for a variance to the Planning/Zoning Committee for review their recommendation is forwarded to the City Council. (Applications are to be submitted to the City Clerk and they will be put on the agenda for the next available meeting) The applicant then decides if they want to proceed with the variance request. If the applicant does proceed, the applicant then requests a Public Hearing to formally ask for the variance to be granted. A fee of \$200.00 dollars must accompany this request. At the public hearing the Planning Commission and the community have the opportunity to voice their opinions, both for and against, regarding the variance request. If it is found that the three points outlined above in the definition of a variance are met, it will then go to City Council for approval. Any building permits required in relation to a variance must also be approved by the City Council.

It is important to note that a variance cannot be used to circumvent the more formal procedures required to change the zoning category of land (request for rezoning)

Staff Use only:

Zoning Administrator reviewed Variance Application.

1. Referred to City Attorney and/or City Engineer: Date _____

Why: _____

2. Determination made & why: _____

() Complete Application

() Incomplete Application Why: _____

Applicant was notified for additional information: Date _____ in which the information needs to be turned in by. _____ in person _____ by phone _____ email

Staff _____ Date _____

Legal Description

That part of Government Lot Five (5) of Section Twenty Eight (28) in Township One Hundred Twenty-Three (123) North, of Range Twenty-nine (29) West, described as follows, to wit: Commencing on Southeast Corner in Government Lot 5 in Section 28, Township 123, Range 29; thence North (assumed bearing) on East line thereof 266.76 feet to Southeast corner of Lot 1, Molitor's Addition, as shown on the plat thereof which is on file and of record in the office of the County Recorder in and for Stearns County, MN; thence South 80° 15' West on Southerly borderline of lots 1 to 15 inclusive of said Molitor's Addition a distance of 1687.54 feet to Southwest corner of Lot 15 extended 33.03 feet to centerline of platted road; thence south 81° 15' West on said centerline extended 5.33 feet; thence North 75° 27' 30" West a distance of 132.21 feet for point of beginning; thence North 02° 46' 30" East, 252 feet, more or less, to shoreline of Grand Lake; thence Easterly on said shoreline to West line of Lot 15, Molitor's Addition; thence South 06° 12' East, 286 feet, more or less, to centerline of said platted road; thence South 81° 15' West on said centerline extended 5.33 feet; thence North 75° 27' 30" West, 132.21 feet to point of beginning.

ALSO: All that part of Government Lot Five (5), in Section Twenty-eight (28) and that part of Government Lot One (1) of Section Thirty Three (33), all in township One Hundred Twenty-three (123) North, Range Twenty-nine (29) West, Stearns County, MN described as follows; Commencing at a iron monument at the Northwest corner of Section 33; thence along the West line of Section 33, South 00° 59' East 34.47 feet; thence South 89° 19' East 595.40 feet to the point of tangential curve to the left, having a radius of 1877.08 feet, a central angle of 7° 16' 20"; thence along a said curve an arc distance of 271 feet to the point of beginning of the tract herein described; thence continuing along said 1877.08 foot radius curve, having a central angle of 1° 09' 40" an arc distance of 38.05 feet; thence along tangent North 81° 15' East 99.09 feet to a point in the west line of Molitor's Addition a subdivision of part of said Government Lot Five (5); thence along West line North 06° 12' West 286 feet, more or less, to the shoreline of Grand Lake; thence along shoreline westerly to a point in a line that bears North 02° 44' 30" West 208 feet, more or less, to the point of beginning.

1.45 2-8-17 CB-17 46

OFFICE OF COUNTY RECORDER
STEARNS COUNTY, MINNESOTA

Document: A1489019

Certified, Filed, and/or Recorded on
February 08, 2017 12:10 PM

DIANE GRUNDHOEFER
STEARNS COUNTY RECORDER



NO DELINQUENT TAXES AND
TRANSFER ENTERED

DATE 2/8/2017

AUDITOR Randy R Schriefel

DEPUTY Brenda Stanger
76.41649.0300

(Top 3 Inches Reserved for Recording Data)

QUIT CLAIM DEED
Business Entity to Individual(s)

Minnesota Uniform Conveyancing Blanks
Form 10.3.4 (2016)

eCRV number: N/A

DEED TAX DUE: \$ 1.65

DATE: 1-10-17

FOR VALUABLE CONSIDERATION, Preusser Properties, LLC, a limited liability company under the laws of Minnesota ("Grantor"), hereby conveys and quitclaims to Troy John Fritz and Sheila Marie Fritz, husband and wife ("Grantees"), as:

- (check only one box) tenants in common, (If more than one Grantee is named above and either no box is checked or both boxes are checked, this conveyance is made to the named Grantees as tenants in common.)
- joint tenants,

real property in Stearns County, Minnesota, legally described as follows:

See Exhibit A, attached hereto

TOTAL CONSIDERATION IS LESS THAN \$500.00.

Check here if all or part of the described real property is Registered (Torrens)

together with all hereditaments and appurtenances belonging thereto.

Check applicable box: N/A

- The Seller certifies that the Seller does not know of any wells on the described real property.
- A well disclosure certificate accompanies this document or has been electronically filed. (If electronically filed, insert WDC number: _____.)
- I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

GRANTOR:

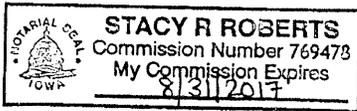
PREUSSER PROPERTIES, LLC,
a Minnesota limited liability company

By: Donald H. Preusser
Its: President & Chief Mgr.

IOWA
State of ~~Minnesota~~, County of DALLAS

This instrument was acknowledged before me on JANUARY 10, 2017, by DONALD H. PREUSSER, the President & Chief Mgr. of Preusser Properties, LLC, a limited liability company organized and existing under the laws of the State of Minnesota, on behalf of said company, Grantor.

(Stamp)



Stacy R Roberts
(signature of notary officer)
Title (and Rank): Notary Public
My commission expires: 8/31/2017
(month/day/year)

THIS INSTRUMENT WAS DRAFTED BY:
(insert name and address)

✓
Stinson Leonard Street LLP (AWV/wb)
150 South Fifth Street, Suite 2300
Minneapolis, MN 55402

TAX STATEMENTS FOR THE REAL PROPERTY DESCRIBED IN THIS INSTRUMENT SHOULD BE SENT TO:
(insert legal name and residential or business address of Grantee)

Troy John Fritz and Sheila Marie Fritz
1609 Mulberry Road
St. Cloud, MN 56303

Legal Description

That part of Government Lot Five (5) of Section Twenty Eight (28) in Township One Hundred Twenty-Three (123) North, of Range Twenty-nine (29) West, described as follows, to wit: Commencing on Southeast Corner in Government Lot 5 in Section 28, Township 123, Range 29; thence North (assumed bearing) on East line thereof 266.76 feet to Southeast corner of Lot 1, Molitor's Addition, as shown on the plat thereof which is on file and of record in the office of the County Recorder in and for Stearns County, MN; thence South 80° 15' West on Southerly borderline of lots 1 to 15 inclusive of said Molitor's Addition a distance of 1687.54 feet to Southwest corner of Lot 15 extended 33.03 feet to centerline of platted road; thence south 81° 15' West on said centerline extended 5.33 feet; thence North 75° 27' 30" West a distance of 132.21 feet for point of beginning; thence North 02° 46' 30" East, 252 feet, more or less, to shoreline of Grand Lake; thence Easterly on said shoreline to West line of Lot 15, Molitor's Addition; thence South 06° 12' East, 286 feet, more or less, to centerline of said platted road; thence South 81° 15' West on said centerline extended 5.33 feet; thence North 75° 27' 30" West, 132.21 feet to point of beginning.

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Airbnb May Boost Home Prices

DAILY REAL ESTATE NEWS | WEDNESDAY, OCTOBER 25, 2017

The home-sharing service Airbnb may increase home prices and rental rates, *The Wall Street Journal* reports from an as-yet unpublished working paper.

Between 2012 and 2016, researchers analyzed rents and home prices in the 100 largest metro areas. They found that a 10 percent increase in Airbnb listings leads to a 0.39 percent increase in rents and a 0.64 percent increase in home prices.

"That may sound minuscule, but between 2012 and 2016, rents rose by about 2.2 percent annually [on average in the 100 areas], so a 0.39 percent increase in that context isn't very small at all," study author Edward Kung, an assistant professor of economics at the University of California Los Angeles, told *The Wall Street Journal*. Further, home prices rose by an average of about 4.8 percent annually in the 100 metro areas studied, he says.

More ideas on monetizing [short-term rentals](#).

Researchers believe Airbnb is having an influence on home prices and rental rates because it is "taking supply out of the long-term rental market, which caters to residents looking to rent permanent homes, and reallocates it to the short-term rental market, which caters to tourists or other temporary visitors," Kung says. "This reduces the supply of long-term rental units and increases the price for residents looking for long-term housing. Home prices rise with rents. And above and beyond that simple relationship, Airbnb enables homeowners to generate income from their property, making their homes even more valuable."

Researchers also found that in cities where Airbnb is seeing an uptick, there is a decrease in vacant homes for sale or rent. "So again, we saw a reallocation of housing stock," Kung told *The Wall Street Journal*.

Source: "[How Airbnb Affects Home Prices and Rents](#)," *The Wall Street Journal* (Oct. 22, 2017)

CHAPTER 103 SHORT TERM RENTALS

Section

- 103.01 Purpose
- 103.02 Short-Term Rentals Prohibited
- 103.03 Residential Rental Property
- 103.04 Violation

§ 103.01 PURPOSE.

The City finds that short-term rentals located in residential zoning districts constitute commercial use of residential property, conflict with the residential nature of the zoning districts, disrupt the residential nature of neighborhoods, and have a negative impact on the livability of residential neighborhoods. The City has received complaints from residents regarding short-term rentals including complaints related to noise, over occupancy and illegal parking. A March 2015 report from the Los Angeles Alliance for a New Economy and an October 2014 study from the New York Attorney General both found that short-term rentals rendered a significant number of housing units unavailable for long term residents and raised the cost of housing. Therefore, in order to ensure adequate housing options for residents, preserve the residential character of the City's residential districts, and provide for the health, safety and welfare of its residents, the City determines that it is appropriate to limit short-term rentals to hotels, motels and similar accommodations which are appropriately zoned and have the appropriate infrastructure and services for short-term use.

§ 103.02 Short-Term Rentals Prohibited.

No parcel, as defined in City Code Section 152.012, located in a residential zoning district shall be rented out for a period of 15 days or less.

§ 103.03 Residential Rental Property.

The prohibition in Section 103.02 applies to all properties located in residential zoning districts regardless of the application of City Code Chapter 121.

§ 103.04 VIOLATION

(A) Separate offenses. Each day a violation of this chapter is committed or permitted to continue shall constitute a separate offense and shall be punishable as under this section.

(B) Misdemeanor. Violation of this chapter shall constitute a misdemeanor punishable by a fine of up to \$1,000 or imprisonment for up to 90 days.
(Ord. 763, passed 12-07-2015)

Sec. 26-88-120. - Vacation Rentals.

- (a) **Purpose.** This section provides requirements and standards for the operation of vacation rentals. These standards are intended to ensure that vacation rentals are compatible with and do not adversely impact surrounding residential and agricultural uses.
- (b) **Applicability.** The provisions of the section shall apply to all vacation rentals except where there is a primary owner in residence. This section does not apply to legally established Hosted Rentals or Bed and Breakfast Inns, which are regulated by Section 26-88-118. As used in this section, "primary owner" does not include residences or condominiums owned as a timeshare, limited liability partnership or corporation, or fractional ownership of six (6) or more interests. Vacation rentals shall not be permitted in non-habitable structures, nor on parcels where the AH Combining Zone or the X Combining Zone have been placed. Vacation rentals shall also not be permitted within second dwelling units, nor in structures or dwellings with County covenants or agreements restricting their use including but not limited to affordable housing units, agricultural employee units, farmworker housing, farm family units, or on lands under a Williamson Act Contract. Tents, yurts, RVs, and other provisions intended for temporary occupancy are not allowed as a part of a vacation rental.
- (c) **Permits Required.** Vacation rentals that meet the standards outlined in this section shall be allowed as provided by the underlying zone, subject to issuance of a zoning permit. Vacation rentals that do not meet the standards in this section may be permitted, subject to the granting of a use permit.
- (d) **Term of Permit.** Zoning permits shall run with the landowner and shall automatically expire upon sale or transfer of the property. Use permits shall run with the land but may be issued for limited term, as specified by the decision-maker. Both types of permits may be revoked for failure to comply with adopted standards, subject to the administrative and revocation procedures of Article 92 unless otherwise specified by this section.
- (e) **Permit Requirements.**

1. Maximum Number of Guestrooms. Vacation rentals may have a maximum of five (5) guestrooms or sleeping rooms. Vacation rentals with more than five (5) guestrooms or sleeping rooms may only be allowed if adequate sewage disposal capacity exists and neighborhood compatibility can be demonstrated, subject to the granting of a use permit. For purposes of determining the appropriate level of permit required, the actual number of bedrooms in the structure plus any additional rooms intended or used for sleeping shall be used.

2. Maximum Overnight Occupancy. Maximum overnight occupancy for vacation rentals shall be up to a maximum of two (2) persons per sleeping room or guestroom, plus two (2) additional persons per property, up to a maximum of twelve (12) persons, excluding children under three (3) years of age. Vacation rentals with larger overnight occupancies may only be allowed subject to the granting of a use permit. For homes on a conditional or non-standard septic system, or those with capacity limited by a voluntary repair, the maximum

overnight occupancy for vacation rentals shall be equal to the design load of the septic system. The property owner shall ensure that all contracts and online listings and advertisements clearly set forth the maximum number of overnight guests permitted at the property.

3. Maximum Number of Guests and Daytime Visitors. The maximum number of total guests and visitors allowed at any time in a single vacation rental shall not exceed the maximum overnight occupancy plus six (6) additional persons per property during the daytime, or eighteen (18) persons, whichever is less, excluding children under three (3) years of age. Daytime visitors shall not be on the property during quiet hours. Vacation rentals with larger numbers of guests and visitors may only be allowed subject to the granting of a use permit. Notwithstanding, maximum guest limits may be exceeded on the following national holidays: Easter, Memorial Day, 4th of July, Labor Day, Thanksgiving, Christmas Eve and Christmas, so long as the holiday event does not otherwise trigger the requirement for a special or cultural events permit.

4. Limit on Number of Residences or Structures per Parcel. Only a single family residence, and a legally established guest house meeting current standards shall be used as a vacation rental. Only one (1) tenant shall be allowed on-site at any given time: Only one transient rental is allowed per parcel. Parcels containing multiple residences or habitable structures may only be used as vacation rentals subject to the granting of a use permit, except that two (2) residences or structures may be used when the total number of guestrooms does not exceed five (5).

5. Parking. Parking shall be provided as follows: a minimum of one (1) on-site parking space for a vacation rental with up to two (2) guestrooms or sleeping rooms; two (2) on-site parking spaces for a three (3) or four (4) guestroom vacation rental. Larger vacation rentals must demonstrate adequate parking with a minimum of three (3) spaces. On-street parking may be considered for up to one (1) of the required parking spaces; otherwise, the number of vehicles allowed for overnight guests shall be limited to the off-street parking available, as demonstrated by the application materials and the property checklist, but shall not exceed one vehicle per bedroom. This maximum number of vehicles permitted for guests shall be clearly set forth in all rental agreements and in all online advertisements and listings.

(f) Performance Standards.

1. Noise Limits. All activities associated with the vacation rental shall meet the general plan noise standards contained below. Quiet hours shall be from 10:00 p.m. to 7:00 a.m. The property owner shall ensure that the quiet hours and limits on outdoor activities are included in rental agreements and in all online advertisements and listings.

Hourly Noise Metric ¹ , dBA	Activity hours 7:00 a.m. to 10:00 p.m.	Quiet Hours 10:00 p.m. to 7:00 a.m.
L50 (30 minutes in any hour)	50	45
L25 (15 minutes in any hour)	55	50
L08 (5 minutes in any hour)	60	55
L02 (1 minute in any hour)	65	60

¹ The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 1 minute in any hour.

If the ambient noise level exceeds the standards above, adjust the standard to equal the ambient level, up to a maximum of 5dBA above the standard, provided that no measurable increase (i.e. 1.5 dBA or more) shall be allowed.

Reduce the applicable standards above by 5 dBA for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises, such as dog barking.

2. Amplified Sound. Outdoor amplified sound shall not be allowed at any time associated with a vacation rental.

3. Pets. Pets, if allowed by owner, shall be secured on the property at all times. Continual nuisance barking by unattended pets is prohibited.

4. Trash and Recycling Facilities. Recycling and refuse storage bins shall not be stored within public view unless in compliance with neighborhood standards. Recycling and trash receptacles shall be returned to screened storage areas within 24 hours of trash pick-up.

5. Outdoor Fire Areas. Outdoor fire areas, when not prohibited by state or local fire bans, may be allowed but shall be limited to 3 feet in diameter, shall be located on a non-combustible surface, shall be covered by a fire screen, and shall be extinguished as soon as it is no longer in use or by 10:00 p.m., whichever is earlier. No fire or fire area shall be located within 25 feet of a structure or combustible material.

6. Septic Systems and Sewer Connections. The owner shall maintain a properly functioning septic system or sewer connection. In some cases, a per-room sewer fee may be applied.

7. Transient Occupancy Tax. The vacation rental owner or authorized agent shall maintain a transient occupancy tax certificate and remain current on all required reports and payments. Owner or authorized agent shall include the certificate number on all contracts or rental agreements, and in any advertising or websites.

8. Certified 24-hour Property Manager. All vacation rentals operating within unincorporated Sonoma County must have a certified property manager who is available 24 hours per days, 7 days per week during all times that the property is rented or used on a transient basis. Certified property managers may be

professional property managers, realtors, property owners, or other designated person provided that the individual has successfully completed a training course and achieved a qualifying score on a county-administered certification test. Certification shall be granted by the County and may be revoked by the County. Once certified, a property manager must continue to comply with all provisions set forth in this Section, including timely reporting of all complains and their resolutions, in order to remain certified. Certified property managers must be located within a 30 mile radius of the vacation rental and must be available to respond to complaints at all times during the rental period. r Any requested change to the certified property manager for a vacation rental property shall be made through submittal of a new Vacation Supplemental Application or similar form provided by the Department, and shall include the signature of the certified property manager and the desired effective date of the change. In no case may a vacation rental operate without a current certified property manager. Operation of a vacation rental without a valid certified property manager shall be considered a violation of this Section. The name and 24 hour contact information of the certified property manager shall be provided to any interested party upon request.

9. Emergency Access. The owner of any vacation rental located behind a locked gate or within a gated community shall provide gate code or a lockbox with keys ("Knox Box" or similar) for exclusive use by the sheriff and emergency or fire services departments.

10. Posting and Neighbor Notification of Permit and Standards. Once a vacation rental permit has been approved, a copy of the permit listing all applicable standards and limits shall be posted within the vacation rental property. The owner shall post these standards in a prominent place within 6 feet of the front door of the vacation rental, and include them as part of all rental agreements. At the permit holder's expense, the County shall provide mailed notice of permit issuance to property owners and immediate neighbors of the vacation rental unit using the standard 300' property owner mailing list. All advertising handouts, flyers, internet listings, or any other information provided for vacation rentals shall conform to the approved occupancy limits and standards as stated on the vacation rental permit. Advertising may only be conducted for properties operating under a valid permit. Advertising for a particular property inconsistent with the approvals for that property shall be considered a violation of these performance standards.

11. Requirements for All Internet Advertisements and Listings. All online advertisements and/or listings for the vacation rental property shall include the following:

- a. Maximum occupancy, not including children under 3;
- b. Maximum number of vehicles;
- c. Notification that quiet hours must be observed between 10:00 p.m. and 7:00 a.m.;
- d. Notification that no outdoor amplified sound is allowed; and,

- e. The Transient Occupancy Tax Certificate number for that particular property.

(g) Enforcement Process.

1. Initial complaints on vacation rentals shall be directed to the certified property manager identified in the zoning permit or use permit, as applicable. The certified property manager shall be available 24 hours during all times when the property is rented, and shall be available by phone during these hours. Should a problem or arise and be reported to the certified property manager, the certified property manager shall be responsible for contacting the tenant to correct the problem within 60 minutes, or within 30 minutes if during quiet hours, including visiting the site if necessary to ensure that the issue has been corrected. The certified property manager shall complete the online reporting form to report any such complaints, and their resolution or attempted resolution(s), to PRMD within 24 hours of the occurrence. Failure to respond to complaints or report them to PRMD shall be considered a violation of this section, and shall be cause for revocation of certification status.

If the issue reoccurs, the complaint will be addressed by PRMD code enforcement section who may conduct an investigation to determine whether there was a violation of a zoning or use permit condition. Sheriff reports, online searches, citations or neighbor documentation consisting of photos, sound recordings and video may constitute proof of a violation. If code enforcement verifies that a zoning or use permit condition violation has occurred, a notice of violation may be issued and a penalty may be imposed in accordance with Chapter 1 of the Sonoma County Code.

At the discretion of the code enforcement officer or the Director, the zoning permit or use permit may be scheduled for a revocation hearing with the board of zoning adjustments. If the permit is revoked, a zoning or use permit for a vacation rental may not be reapplied for or issued for a period of at least one (1) year.

2. Enhanced penalty for non-permitted rentals. A vacation rental that is determined to be operating without the necessary permit required under this Section shall be subject to a penalty of ten times the normal application fee.

3. Three Strikes Penalty. Upon receipt of any combination of three administrative citations, verified violations, or hearing officer determinations of violation of any of the permit requirements or performance standards issued to the owner or occupants at the property within a two year period, the vacation rental zoning permit is summarily revoked, subject to prior notice and to appeal, if requested within 10 days. Should such a revocation occur, an application to reestablish a vacation rental at the subject property shall not be accepted for a minimum period of two years.

4. Violation of Performance Standards –Administrative Citations.

In addition to all other legal remedies, criminal or civil, which may be pursued by

the County to address any violation of the County Code, this subsection provides for Administrative Citations.

- a. Use of Administrative Citations shall be at the sole discretion of the County.
- b. This subsection is adopted pursuant to the authority conferred by the Government Code, including Section 53069.4.
- c. Violations of the following permit requirements and performance standards may be deemed infractions for the purposes of this subsection, and are subject to administrative citation:
 1. Conduct of a cultural event, special event, party, wedding or other similar activity exceeding the allowable maximum occupancy;
 2. Exceeding the maximum permitted occupancy, not including children under 3 years of age;
 3. Noise violations, as set forth in (f), above, including the use of outdoor amplified sound;
 4. Violations of quiet hours (10:00 PM – 7:00 AM),
 5. Exceeding maximum number of vehicles
 6. Exceeding fire limits, including lighting fires during bans
 7. Unsecured pets and/or nuisance barking;
 8. Operation of a vacation rental without a certified property manager;
 9. Failure of the property owner to include the specified limits in rental agreements and online listings or advertisements;
 10. Failure to include the individual property's Transient Occupancy Tax Certificate number in all contracts, advertising and online listings;
 11. Failure of the property owner to maintain current Transient Occupancy Tax status.

(h) Monitoring and Enforcement Fee.

1. An annual fee may be adopted by the board of supervisors and collected by PRMD or the county tax collector to pay for monitoring and enforcement of vacation rentals.

From: mbode@rockvillecity.org
Sent: Tuesday, April 10, 2018 10:36 AM
To: 'Korla Molitor'
Subject: RE: CUP

From: Korla Molitor [<mailto:korlamolitor@gmail.com>]
Sent: Tuesday, April 10, 2018 9:45 AM
To: mbode@rockvillecity.org
Subject: CUP

Hello Marty,

I wanted to touch base with you in regards to last Tuesday's Planning Commission meeting. We are wondering if you or the planning commission have an idea on when the next hearing will be on this subject? Will it be next month or may it take longer than that? Since the planning commission decided to postpone any action and extend the enforcement deadline until 12/31/18, we are wondering if that date can/will be changed even if there is a hearing for example a month from now? We ask this because we are trying to plan for the future and some of our friends and family are asking about the fate of this summer and we would like to be able to give them some sort of definitive answer. Any input on that would be really helpful. **“IF” the Council approves of the 12.31.18 deadline I would think the balance of 2018 bookings are safe. If you would like, we could get Council to confirm that opinion.....**

We are also wondering about the Council meeting on Wednesday. We saw that we are still on the agenda. Is this just a matter of protocol or do they have to finalize the decision from Tuesday? We had thought that since the decision was postponed by the planning commission that it would be the same for the council meeting as well. If you could clarify, that would be great. **The City Council will hear the Planning Commissions “recommendations” and will make a their own determination. Please be sure you are in attendance.**

We would be happy to meet with anyone that is interested in discussing what we are doing (and or vacation rentals in general), the conditional use permit, or the specific conditions, if that helps clear up any confusion. It seemed as though some people from the community wanted to know some conditions. It is up to you and the planning commission but if you are looking for input, we are happy to provide some ideas. Below are a list of conditions that we think would be beneficial to the community. We would be happy to discuss any of these conditions further. Just let us know. **Thank you! Your suggestions are and will be beneficial.....**

Also, we included below a link to an article about how vacation rentals or Airbnb specifically may actually boost home prices. When a home is in an area that has proven to be rentable it actually adds demand and value to the property because it is viewed as being more sought after.

Thank you, **Thank you! Marty**

Korla

Potential Conditions

1. 2 night minimum

2. No same day bookings
3. No renting out of individual rooms
4. Maximum number of occupants based on bedroom number (Stearns County's interim use permit uses the bedrooms -2 people each plus and an additional 2 people for the open areas ie. a fold out couch ect.) We have a max of 6 guests since we have 3 bedrooms and we personally do not want more than that.
5. 3-5 year permit. Reviewed and automatically renewed if there have been no major issues.

<http://realtomag.realtor.org/daily-news/2017/10/25/airbnb-may-boost-home-prices>

--

Korla Molitor

Realtor

Realty Executives Only Excellence

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Building Permits: March & April 2018

<u>Parcel #</u>	<u>REASON</u>	<u>ADDRESS</u>	<u>DATE</u>	<u>PERMIT #</u>	<u>Valuation</u>	<u>Permit \$</u>	<u>Review</u>	<u>SSC</u>	<u>Fees</u>
76.42189.0038	Mechanical (Furnace)	11193 Hubert Lane	3/8/2018	2018-00008		\$ 40.00		\$ 1.00	\$ 41.00
76.42189.0038	Mechanical (Remodel)	11193 Hubert Lane	3/8/2018	2018-00009		\$ 40.00		\$ 1.00	\$ 41.00
76.42189.0038	Plumbing (Remodel)	11193 Hubert Lane	3/8/2018	2018-00010		\$ 40.00		\$ 1.00	\$ 41.00
76.41640.0800	Window/Door	22969 88th Ave	3/18/2018	2018-00019		\$ 25.00		\$ 1.00	\$ 26.00
76.41705.0004	Mechanical (Furnace)	21373 Agate Beach Rd	4/23/2018	2018-00020		\$ 40.00		\$ 1.00	\$ 41.00
76.42141.0012	Window Replacement (same size)	25404 Pleasant Rd	4/24/2018	2018-00021	\$ 5,000.00	\$ 25.00		\$ 1.00	\$ 26.00
76.42220.0015	Window Replacement (same size)	600 Ptarmigan Lane	4/25/2018	2018-00022	\$ 6,250.00	\$ 25.00		\$ 1.00	\$ 26.00
76.42141.0021	Accessory/Pergola	25322 Pleasant Rd	4/10/2018	2018-00011	5130	\$ 44.50	\$ 28.93	\$ 2.56	\$ 75.99
76.42189.0038	Remodel	11193 Hubert Lane	4/23/2018	2018-00014	90,000.00	\$ 495.00	\$ 321.75	\$ 45.00	\$ 861.75
76.41795.0025	Garage Addition to Cabin	10583 Mitchell Lane	3/19/2018	2018-00015	89,000.00	\$ 489.50	\$ 318.18	\$ 44.50	\$ 852.18
76.42240.0017	Roofing (commerical)	125 Broadway St	4/2/2018	2018-00016	1,800.00	\$ 50.50	\$ 32.83	\$ 4.00	\$ 87.33
76.42170.0019	Plumbing (remodel)	25982 81st Ave	4/9/2018	2018-00017		\$ 40.00		\$ 1.00	\$ 41.00
76.41604.0200	Plumbing (remodel)	25802 Lake Road	4/12/2018	2018-00018		\$ 40.00		\$ 1.00	\$ 41.00
76.41604.0200	Remodel basement	25802 Lake Rd	4/5/2018	2018-00027	\$ 15,000.00	\$ 71.50	\$ 46.48	\$ 7.50	\$ 125.48
76.42170.0019	Remodel Main Floor	25982 81st Ave	4/9/2018	2018-00028	\$ 111,740.00	\$ 614.57	\$ 399.47	\$ 55.87	\$ 1,069.91
76.42240.0021	Commercial Furnace Replacement	157 Broadway St E	4/16/2018	2018-00029	\$ 1,569.75	\$ 40.00	\$ 26.00	\$ 0.78	\$ 66.78
76.41604.0800	Remodel (commercial)	9785 County Road 6	4/9/2018	2018-00030	\$ 11,200.00	\$ 62.50	\$ 40.63	\$ 5.60	\$ 108.73