

**Town of May
Washington County
Planning Commission
September 28, 2017**

The Planning Commission of the Town of May met for their regular meeting on Thursday, September 28, 2017, at the May Town Hall. Members in attendance were: John Arnason, Chairman; Steve Magner, Don Rolf, Lester Rydeen, Mitch Otterson, and Jyneen Thatcher. Absent: Jeff Chase and Chad Nelson. Also present were Linda Klein, Town Clerk and Town Planner Nate Sparks. Chairman Arnason called the meeting to order at 7 pm.

Approval of Minutes

Arnason moved, seconded by Magner, to approve the August 31, 2017 minutes. All approved.

Election of Vice Chair

Rolf moved, seconded by Rydeen, to elect Steve Magner as Vice Chair. All approved.

Public Hearing –Short Term Rental & Resort Ordinance

Sparks stated that the Town Board asked the Planning Commission to hold a public hearing to review a draft ordinance related to short term rentals and resorts. Short term or vacation rentals are when people rent out homes, cabins, or rooms to the public for short periods of time. This type of use is currently not permitted by the Town Code and the intent of the ordinance is to provide clarity. The use is commercial in nature and out of character with the rural residential nature of the Town.

Resorts are a conditional use in the Rural Residential District and to ensure that the prohibition on short term rentals is compatible with this use, more specific standards for resorts included in the ordinance. The proposed standards are from the County's Zoning Ordinance. It states a minimum lot size of 10 acres, 50% open space required, no more than one unit per acre, and no more than 50 units total. Also, the definition was changed to match the state licensing criteria of a minimum of five units.

Sparks also stated that the state licenses all places where rooms are offered for rent for one night or more as hotels. According to the State Department of Health, short term rentals are in this classification but rarely are licensed. Washington County enforces the licensing and says they do enforcement on a complaint basis. When they get a complaint or request for a license, they check for zoning. Since the Town does not permit this use, they would not grant

Arnason opened the public hearing. No public was present to speak. The public hearing was closed.

Magner said that the comings and goings are a problem but also the increased lake traffic.

Klein asked how the Golden Acres resort is permitted. Thatcher said it was grandfathered. Magner said it was established prior to the zoning ordinance. Rydeen said it appears to be run

well. Sparks said that they can continue as they are but cannot expand. Magner said if they closed for a year they couldn't reopen.

Rydeen said it may be better to remove resorts from the RR District. It doesn't fit with the land uses within the Town. Rolf asked if resorts were allowed in the County Shoreland Ordinance. Sparks stated the County said they were not allowed in the Shoreland District.

Arnason asked about permitting resorts as an interim use rather than a conditional use like home based businesses. Sparks stated that this could be a good idea and possible however it may require some additional review. Interim uses are intended to be transitional in nature and are used for more temporary conditions. Somebody putting a large investment into a property to establish a resort may have an issue if it were to be considered temporary. Magner said that it is a conditional use in the code now and maybe this issue would merit independent review in the future. Otterson asked what a resort with less than five units would be classified as. Sparks said that would be licensed by the state like a hotel. Thatcher said she would like to revisit the topic of resorts and bed and breakfasts later.

Otterson said he didn't like the ordinance because this use is a fair use of property if no laws are broken. It's a solution in search of a problem. Can we allow it in owner occupied houses? Sparks said that was not researched but is likely to be viewed as treating rental and owner occupied housing differently. Magner said the transient nature of the use is out of character with the residential nature of the neighborhoods. Otterson said this is not acting on a serious problem.

Thatcher stated that there is a cross country ski race coming up nearby. What if the skiers wanted to stay with her to practice skiing on trails in the area? Sparks said the ordinance would not prohibit house guests but is intended to prohibit transient lodging facilities.

Motion by Magner, second by Arnason to recommend approval of the ordinance amendment but to change the resort standards to a minimum of 40 acres, requirements of a state/county license, and to limit lot coverage to 25%. Magner noted that he would prefer to have the minimum lot size at 100 acres but Sparks said that the code typically references 10 or 40 acres for use standards. Motion carried 4-2 (Otterson, Rydeen vote no.). Rydeen stated he voted nay due to the inclusion of resorts which he believes should be removed from the Code at this time. Otterson said he is against the short term rental prohibition because he feels that it is not an issue that needs addressing.

Hearing no further business, Arnason moved, seconded by Thatcher to adjourn. All approved.

Respectfully submitted,

Linda L. Klein
Town Clerk