
ALEXANDRIA TOWNSHIP

PLANNING COMMISSION

MEETING PACKET FOR
May 30, 2012



PRELIMINARY AGENDA
Alexandria Township Planning Commission
May 30, 2012
6:00 p.m. – Township Conference Room

Call to Order

Adopt Agenda

Approve Minutes – April 23, 2012

Public Hearing

1.

Zoning Administrator's Report

New Business:

1. Training – Developing Effective Comprehensive Plans
- 2.

Old Business:

1. Discussion – research on regulation of vacation rentals
2. Discussion – research on regulation of pervious pavers/porous pavements
3. Discussion – Comprehensive Plan update
- 4.

Adjournment

****NOTE: This is a preliminary agenda, subject to change at any time.**



STAFF REPORT

Issue: Vacation Rental regulations

Agenda Item: Old Business

Background: At last months meeting, the Planning Commission (and the Town Board at their meeting) determined that the Township does not currently regulate vacation rental of single-family homes. However, they have instructed Staff to prepare materials relating to how other communities have regulated vacation rentals. Staff is also providing information about proposed legislation at the state level that would determine how the Township, and all other communities, could regulate vacation rentals.

Enclosed in this report are the following:

1. Information on two bills currently in discussion at the state legislature. They are H.F. 1523 and S.F 1190. Both prevent a community from regulating vacation rentals as an interim use, but appear to allow regulation as a conditional use. They also allow regulation of a number of specific concerns – including number of guests, sewage treatment, noise and screening.
2. A document from the League of MN Cities website, that summarizes the two bills above and notes that the League, the Association of MN Counties and the MN Association of Townships oppose these two bills. They argue that such matters should be left up to local governments (and presumably that if a local government wants to regulate them as interim uses, they should be able to).
3. A document from Minnesota Tourism summarizing issues that a person considering renting out a home as a vacation rental needs to consider.
4. A copy of the section of the Stearns County ordinance that regulates vacation rentals.

This information is being provided as a starting point for discussion. Staff sees the following as some good general questions to begin asking:

1. Does the potential statewide legislation being proposed affect moving ahead with developing a Township ordinance? In other words, even if the Township can't regulate vacation homes as an interim use, would it still want to regulate them via a conditional use? Or a licensing scheme?
2. Are there other issues, besides those listed in the proposed state legislation (# of guests, noise, sewer, etc...) that the Township would like to regulate?
3. Does the Township want to regulate vacation rentals at all?

- 2.1 (5) noise provisions;
2.2 (6) sewage treatment; and
2.3 (7) any other provision necessary to protect the health, safety, and welfare of the
2.4 public.

2.5 Sec. 2. Minnesota Statutes 2010, section 462.357, is amended by adding a subdivision
2.6 to read:

2.7 Subd. 1i. **Vacation rentals.** (a) A vacation rental includes a house, apartment,
2.8 condominium, manufactured home, vacation home, or similar property rented on a
2.9 short-term basis. It also includes all structures or other property belonging to and
2.10 accessory to the vacation rental. A vacation rental has basic living accommodations, such
2.11 as sleeping space, a toilet, and cooking facilities. A vacation rental does not include
2.12 property, or part of a property, used solely as a hotel, motel, inn, or similar establishment.

2.13 (b) A municipality must not enact, amend, or enforce a zoning ordinance that has the
2.14 effect of prohibiting or treating vacation rentals as an interim use in residentially zoned
2.15 districts within the municipality or limit the use of vacation rentals based solely on their
2.16 occupancy, classification, or use. The municipality may license such use as rental housing
2.17 or may require the owner of such property to register the property with the municipality.

2.18 (c) A municipality may adopt, by ordinance, the following restrictions and
2.19 limitations on vacation rental housing:

- 2.20 (1) number of occupants;
2.21 (2) parking;
2.22 (3) signage and other on-premise advertising;
2.23 (4) waste removal;
2.24 (5) noise provisions;
2.25 (6) sewage treatment; and
2.26 (7) any other provision necessary to protect the health, safety, and welfare of the
2.27 public.

This Document can be made available
in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH
SESSION

HOUSE FILE No. **1523**

April 18, 2011

Authored by Holberg and McFarlane

The bill was read for the first time and referred to the Committee on Government Operations and Elections

1.1 A bill for an act
1.2 relating to local government; zoning; providing for residential property used as
1.3 vacation rental; amending Minnesota Statutes 2010, sections 394.25, subdivision
1.4 3, by adding a subdivision; 462.357, subdivision 1, by adding a subdivision.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2010, section 394.25, subdivision 3, is amended to read:

1.7 Subd. 3. **In district zoning, maps.** Within each such district zoning ordinances or
1.8 maps may also be adopted designating or limiting the location, height, width, bulk, type of
1.9 foundation, number of stories, size of, and the specific uses for which dwellings, buildings,
1.10 and structures may be erected or altered; the minimum and maximum size of yards, courts,
1.11 or other open spaces; setback from existing roads and highways and roads and highways
1.12 designated on an official map; protective measures necessary to protect the public interest
1.13 including but not limited to controls relating to appearance, signs, lighting, hours of
1.14 operation and other aesthetic performance characteristics including but not limited to
1.15 noise, heat, glare, vibrations and smoke; the area required to provide for off street loading
1.16 and parking facilities; heights of trees and structures near airports; and to avoid too great
1.17 concentration or scattering of the population. All such provisions shall be uniform for each
1.18 class of land or building throughout each district, but the provisions in one district may
1.19 differ from those in other districts. No provision may prohibit earth sheltered construction
1.20 as defined in section 216C.06, subdivision 14, use of residential property for vacation
1.21 rental, or manufactured homes built in conformance with sections 327.31 to 327.35 that
1.22 comply with all other zoning ordinances promulgated pursuant to this section.

2.1 Sec. 2. Minnesota Statutes 2010, section 394.25, is amended by adding a subdivision
2.2 to read:

2.3 Subd. 3d. **Vacation rental of residential property.** The use of residential property
2.4 for vacation rental must be considered a permitted single family or permitted multifamily
2.5 residential use of property for the purpose of zoning, except that a county may license that
2.6 use as rental housing under general authority provided in section 394.21, subdivision 1.

2.7 Sec. 3. Minnesota Statutes 2010, section 462.357, subdivision 1, is amended to read:

2.8 Subdivision 1. **Authority for zoning.** For the purpose of promoting the public
2.9 health, safety, morals, and general welfare, a municipality may by ordinance regulate
2.10 on the earth's surface, in the air space above the surface, and in subsurface areas, the
2.11 location, height, width, bulk, type of foundation, number of stories, size of buildings
2.12 and other structures, the percentage of lot which may be occupied, the size of yards and
2.13 other open spaces, the density and distribution of population, the uses of buildings and
2.14 structures for trade, industry, residence, recreation, public activities, or other purposes,
2.15 and the uses of land for trade, industry, residence, recreation, agriculture, forestry, soil
2.16 conservation, water supply conservation, conservation of shorelands, as defined in
2.17 sections 103F.201 to 103F.221, access to direct sunlight for solar energy systems as
2.18 defined in section 216C.06, flood control or other purposes, and may establish standards
2.19 and procedures regulating such uses. To accomplish these purposes, official controls may
2.20 include provision for purchase of development rights by the governing body in the form of
2.21 conservation easements under chapter 84C in areas where the governing body considers
2.22 preservation desirable and the transfer of development rights from those areas to areas the
2.23 governing body considers more appropriate for development. No regulation may prohibit
2.24 earth sheltered construction as defined in section 216C.06, subdivision 14, relocated
2.25 residential buildings, use of residential property for vacation rental, or manufactured
2.26 homes built in conformance with sections 327.31 to 327.35 that comply with all other
2.27 zoning ordinances promulgated pursuant to this section. The regulations may divide the
2.28 surface, above surface, and subsurface areas of the municipality into districts or zones of
2.29 suitable numbers, shape, and area. The regulations shall be uniform for each class or kind
2.30 of buildings, structures, or land and for each class or kind of use throughout such district,
2.31 but the regulations in one district may differ from those in other districts. The ordinance
2.32 embodying these regulations shall be known as the zoning ordinance and shall consist of
2.33 text and maps. A city may by ordinance extend the application of its zoning regulations to
2.34 unincorporated territory located within two miles of its limits in any direction, but not
2.35 in a county or town which has adopted zoning regulations; provided that where two or

3.1 more noncontiguous municipalities have boundaries less than four miles apart, each is
3.2 authorized to control the zoning of land on its side of a line equidistant between the two
3.3 noncontiguous municipalities unless a town or county in the affected area has adopted
3.4 zoning regulations. Any city may thereafter enforce such regulations in the area to the
3.5 same extent as if such property were situated within its corporate limits, until the county
3.6 or town board adopts a comprehensive zoning regulation which includes the area.

3.7 Sec. 4. Minnesota Statutes 2010, section 462.357, is amended by adding a subdivision
3.8 to read:

3.9 Subd. 10. **Vacation rental of residential property.** The use of residential property
3.10 for vacation rental must be considered a permitted single family or permitted multifamily
3.11 residential use of property for the purpose of zoning, except that a municipality may
3.12 license such use as rental housing under general authority provided in section 412.221,
3.13 subdivision 32.


[Legislative Topic Index](#)
[The 15-Minute Advocate](#)
[Friday Facts](#)
[Legislative Resources](#)

Senate Local Government Committee Passes Bill Restricting City Zoning Authority



Your LMC Resource

Contact Patrick Hynes
IGR Representative
(651) 281-1260 or (800) 925-1122
phynes@lmc.org

The legislation would limit a city's ability to zone vacation home rentals within residential districts.

(Published Feb 23, 2012)

The [Senate Local Government and Elections Committee](#) passed legislation that places the definition of a vacation rental home into statute and restricts the ability of local governments to zone for this type of use.

The legislation, [SF 1190 \(Sen. Roger Chamberlain, R-Lino Lakes\)](#), brought by the Minnesota Vacation Rental Association (MVRA), seeks to distinguish vacation rentals, which are typically single-family homes, from hotels and resorts in order to avoid regulation as commercial enterprises.

The League, along with the Association of Minnesota Counties (AMC) and the Minnesota Association of Townships (MAT) opposes legislative zoning because local zoning decisions are best made by local governments, with input from local citizens. Unfortunately, none of the three organizations were given the opportunity to testify before the bill was passed by the committee and sent to the Senate floor on a sharply divided voice vote. A motion to refer the bill to the Commerce Committee for further debate on the merits of the bill made by Sen. Mary Jo McGuire (DFL-Falcon Heights) was defeated.

The amended bill defines a vacation rental as any house, apartment, condominium, manufactured home, vacation home, or "similar property rented on a short-term basis, and would prevent a city from treating a vacation rental as an interim use within residential districts. It also would prevent a city from limiting the use of a vacation rental based solely on its "occupancy, classification, or use." A city could regulate a vacation rental as a conditional use, and the bill does allow a city to regulate certain restrictions on vacation rentals, including regulations related to the number of occupants, parking, waste removal, sewage treatment, and provisions related to the health, safety, and general welfare of the public.

The Minnesota Department of Health expressed concern about losing the ability to license and regulate vacation rentals, and the bill could shift this burden onto local communities. In addition to the specific concerns with the treatment of vacation rentals, the League is concerned that if such legislation passes, it will likely induce other interest groups to seek special zoning status through the Legislature.

The companion bill, [HF 1523 \(Rep. Mary Liz Holberg, R-Lakeville\)](#), was heard in the House Government Operations and Elections Committee during the 2011 session, and was laid over for further consideration. The League expects the House bill to be heard in the coming weeks. League staff will continue to monitor this legislation and to educate members of the Legislature about the problems this bill would cause.

[Read the current issue of the Cities Bulletin](#)

Vacation Home Rental

Posted By [pdian](#) On July 23, 2009 @ 2:00 pm In | [Comments Disabled](#)

Information for owners of vacation home rental property in Minnesota

In recent years, vacation home rentals have been emerging in Minnesota. One characteristic of vacation home rental that distinguishes it from most other types of lodging is that there is not an on-site manager. To make this a safe, viable, and economically beneficial development, there is a need to provide both guidance and regulation to these entrepreneurs. The opportunity to address a consumer market interested in this lodging option can generate economic benefits throughout an area. There are more than 100,000 seasonal, recreational or occasional use homes in Minnesota.

While the State of Minnesota does not have a specific definition of "vacation home rental property," many legal and regulatory issues related to vacation home rental are currently covered in state and local statutes and regulations. This page has been created to help Minnesota vacation home rental property owners understand the regulations to which they must adhere. This information may be updated frequently.

[Regulations and licensing](#) ^[1]

[Fire safety](#) ^[2]

[Health regulations](#) ^[3]

[Insurance requirements](#) ^[4]

[Real estate requirements](#) ^[5]

[Septic, plumbing and water quality compliance](#) ^[6]

[Shoreland Conservation Standards](#) ^[7]

[Tax regulations](#) ^[8]

[Zoning regulations](#) ^[9]

[General operating concerns](#) ^[10]

[Promoting your vacation home rental property](#) ^[11]

[Other resources](#) ^[12]

Regulations and licensing

Fire safety

Vacation home rental property owners must be aware of and follow applicable fire safety codes.

[2007 Minnesota State Fire Code](#) ^[13]

[Home fire safety information](#) ^[14]

[Carbon monoxide information](#) ^[15]

Contact: firecode@state.mn.us ^[16]

Health regulations

Vacation home rental owners should understand and comply with licensing required by the Minnesota Department of Health (MDH). According to the MDH, [Minnesota Statutes Chapter 157](#) ^[17] and Minnesota Rule Chapter 4625 (although not specifically defining vacation home rental) would apply to a facility offering sleeping accommodations to the public.

Requirements, permits, licenses and fees:

There is a fee for plan review and an application and process to follow. Fees are found in [Minnesota Statutes Chapter 157](#) ^[17] and Minnesota Rule Chapter 4625. New (not previously licensed) vacation home property facilities must submit plans and go through a [plan review process](#) ^[18]. After plans are approved the facility can build (if totally new) and then they can apply for a license to operate. There is an annual license fee. Licenses are renewed annually. More information on MDH's licensing and plan review can be found here: [Explanation of plan review process](#) ^[18]

Current means of enforcement

MDH has a well-established enforcement process that starts with an inspection and orders for compliance. Inspections to assure compliance with laws are conducted on a regular basis according to risk categories. Fines can be levied for noncompliance and licenses can be revoked. Establishments can be ordered to close. Vacation home properties must also comply with [local Food, Beverage and Lodging Licensing Jurisdictions](#) ^[19].

Definitions

Lodging establishments [meeting these definitions](#) ^[20] must be licensed in Minnesota. Currently, most vacation home rental property would be licensed as a hotel or motel. [General information on lodging rule and statute.](#) ^[17]

Contacts: Gary Edwards, R.S.
Minnesota Department of Health
651-201-4513

Gary.Edwards@state.mn.us ^[21]

[State and local environmental health contacts](#) ^[22] (.pdf)

[Minnesota Department of Health's Web site](#) ^[23]

Insurance requirements

Contact your insurance agent for guidance on commercial use of a residential property.

Shoreland Conservation Standards

Shoreland rules are currently being updated by the Minnesota Department of Natural Resources through a stakeholder committee review process. Vacation home rental has been identified for consideration in this revision process.

[More information on shoreland regulations.](#) ^[24]

Real Estate Requirements

If you are renting your vacation home through a real estate licensee/management company, you should verify that the real estate licensee is licensed through the Minnesota Department of Commerce at 651-201-2768.

Real Estate licensees, who provide property rental and management services as licensed under chapter 82, are allowed to operate vacation home rental management businesses without an additional license. The vacation home rental unit or units themselves may require additional licensing, which may be provided by the unit owner or the rental management company or broker. For more information, see

[Desk top reference guide: Vacation home rentals](#) ^[25].

Contact: Heather Mavencamp
Minnesota Association of REALTORS®
952-912-2661

hmavencamp@mnrealtor.com ^[26]

Septic, plumbing and water quality compliance

Septic systems at vacation rental homes need to be properly managed and maintained. Here are some important considerations for the vacation rental home owner:

- Do not advertise vacation rental homes to accommodate more people than there are bedrooms; septic systems are sized to handle wastewater for about two people per bedroom.
- Remember that many "city people" are unfamiliar with septic systems and may flush things they

shouldn't and use more water than they need to. You should educate your guests to help avoid problems.

- Be mindful of the amount of water used in a short period of time. Too much water going to your septic tank can result in backups to the house, tank overflows, and possible damage to the drainfield. This could potentially be an issue if the owners or housekeeper would come in and wash all the bedding and towels, do all the dishes, and wash the floors etc. in one day. Try to limit the amount of water used in a short period of time by spanning cleaning activities over a period of a few days if water use will be high.
- MPCA recommends that you discuss the septic system with a licensed septic system maintainer and follow their advice on pumping frequency and other maintenance issues.

For a list of licensed septic maintainers, inspectors and other professionals, please refer to the [MPCA's Subsurface Sewage Treatment System Program](#) ^[27], which provides additional information on many related topics that may be helpful.

Contact: Gretchen Sabel
Minnesota Pollution Control Agency
651-757-2686

Gretchen.Sabel@state.mn.us ^[28]

Tax regulations

Vacation home rental owners must understand and comply with [federal, state and local taxes](#) ^[29].

Minnesota Department of Revenue
Sales and Use Tax Division
Mail Station 6330
St. Paul, MN 55146-6330
651-296-6181
800-657-3777

salesuse.tax@state.mn.us ^[30]

www.revenue.state.mn.us ^[31]

Zoning regulations

Cities, counties and townships have their own zoning and nuisance ordinances. There are 87 counties and 853 cities in Minnesota with planning and zoning authority. Zoning decisions are made at the local level. Education and communication are the overall key to developing workable local implementation.

Contacts:

Contact the city zoning department if your property is in city limits or the county planning and zoning department if outside of a city boundary

[League of Minnesota Cities Directory](#) ^[32]

General operating concerns: recommendations for vacation home rental property owners

Operating a commercial business venture alongside your neighbors' residences can lead to conflict. These conflicts, if not addressed on a voluntary basis, will lead to a need for additional regulation. Vacation home property owners should consider the following:

- Do not allow overcrowding/ensure guests know maximum occupancy
- Inform guests how to handle maintenance issues that arise – who to contact
- Provide 24-hour-per-day contact to local manager for guests and neighbors
- Provide guidance to guests on noise levels
- Post proper business signage
- Advise guests on parking capacity/RV parking and driving responsibly in the neighborhood
- Assure guests know how/where to properly dispose of garbage
- Post rules for responsible use of recreational equipment
- Specify whether you allow outside camping, and where on the property this is acceptable
- Assure guests are aware of property lines/Advise guests on trespassing
- Advise guests on campfires/fireworks and firearms
- Advise neighbors of manager/owner phone numbers
- Consider applicable property association bylaws
- Have a plan for handling malicious complaints

Promoting your vacation home rental property

List your vacation home rental property in Explore Minnesota Tourism's database.

In providing this information you are ensuring that you are in compliance with any required licensing and taxation laws.

Contact: Kimberly Clarke
Explore Minnesota Tourism
651.757.1842

Kimberly.Clarke@state.mn.us [33]

Other resources

[Association of Minnesota Counties](#) [34]

[Congress of Minnesota Resorts](#) [35]

[League of Minnesota Cities Directory](#) [32]

[Local Public Health Association of Minnesota](#) [36]

[Minnesota Association of Realtors®](#) [37]

[Minnesota Association of Townships](#) [38]

[Minnesota Resort and Campground Association](#) [39]

[Minnesota Seasonal Recreational Property Owners Coalition](#) [40]

[Minnesota Vacation Rental Association](#) [41]

[University of Minnesota Tourism Center](#) [42]

[Legislature's Vacation Home Rental Report – January 2009](#) [43]

Looking to rent a vacation home property?

[See listings in Explore Minnesota's database](#) [44]

Article printed from industry.exploreminnesota.com: <http://industry.exploreminnesota.com>

URL to article: <http://industry.exploreminnesota.com/side1/vacationhome/>

URLs in this post:

[1] Regulations and licensing: **#randl**

[2] Fire safety: **#fire**

[3] Health regulations: **#health**

[4] Insurance requirements: **#ins**

[5] Real estate requirements: **#real**

[6] Septic, plumbing and water quality compliance: **#sep**

[7] Shoreland Conservation Standards: **#shore**

[8] Tax regulations: **#tax**

[9] Zoning regulations: **#zone**

[10] General operating concerns: **#genop**

[11] Promoting your vacation home rental property: **#promote**

[12] Other resources: **#other**

[13] 2007 Minnesota State Fire Code: <http://www.fire.state.mn.us/FireCode/FireCode.html>

[14] Home fire safety information: <http://www.fire.state.mn.us/PublicEducation/HomeFireSafety.html>

[15] Carbon monoxide information: <http://www.fire.state.mn.us/CO/CO.htm>

[16] firecode@state.mn.us: <mailto:firecode@state.mn.us>

[17] Minnesota Statutes Chapter 157: <http://www.health.state.mn.us/divs/eh/lodging/rule.html>

[18] plan review process: <http://industry.exploreminnesota.com/licensing-and-plan-review-for-minnesota-vacation-home-rentals/>

[19] local Food, Beverage and Lodging Licensing Jurisdictions:

<http://www.health.state.mn.us/divs/eh/food/license/delegation.html>

[20] meeting these definitions : <http://www.health.state.mn.us/divs/eh/lodging/index.html>

[21] Gary.Edwards@state.mn.us: <mailto:Gary.Edwards@state.mn.us>

[22] State and local environmental health contacts:

<http://www.health.state.mn.us/divs/eh/food/license/locals.pdf>

- [23] Minnesota Department of Health's Web site:
<http://www.health.state.mn.us/divs/eh/lodging/lodgingplan.htm>
- [24] More information on shoreland regulations.: **<http://mndnr.gov/waters/shoreland.html>**
- [25] Desk top reference guide: Vacation home rentals: **<http://industry.exploreminnesota.com/desktop-reference-guide-vacation-home-rentals/>**
- [26] hmavencamp@mnrealtor.com: **<mailto:hmavencamp@mnrealtor.com>**
- [27] MPCA's Subsurface Sewage Treatment System Program:
<http://www.pca.state.mn.us/programs/ists/index.html>
- [28] Gretchen.Sabel@state.mn.us: **<mailto:Gretchen.Sabel@state.mn.us>**
- [29] federal, state and local taxes: **<http://industry.exploreminnesota.com/tax-regulations-for-minnesota-vacation-home-rental-property/>**
- [30] salesuse.tax@state.mn.us: **<mailto:salesuse.tax@state.mn.us>**
- [31] www.revenue.state.mn.us: **<http://www.revenue.state.mn.us>**
- [32] League of Minnesota Cities Directory: **<http://www.lmc.org/page/1/city-directory.jsp>**
- [33] Kimberly.Clarke@state.mn.us: **<mailto:Kimberly.Clarke@state.mn.us>**
- [34] Association of Minnesota Counties: **<http://www.mncounties.org>**
- [35] Congress of Minnesota Resorts: **<http://www.minnesota-resorts.com>**
- [36] Local Public Health Association of Minnesota: **<http://www.mncounties2.org/lpha>**
- [37] Minnesota Association of Realtors®: **<http://www.mnrealtor.com>**
- [38] Minnesota Association of Townships: **<http://www.mntownships.org>**
- [39] Minnesota Resort and Campground Association: **<http://www.hospitalitymn.com>**
- [40] Minnesota Seasonal Recreational Property Owners Coalition: **<http://www.msppo.org>**
- [41] Minnesota Vacation Rental Association:
<http://www.minnesotavacationrentalassociation.com/index.htm>
- [42] University of Minnesota Tourism Center: **<http://www.tourism.umn.edu>**
- [43] Legislature's Vacation Home Rental Report – January 2009:
<http://industry.exploreminnesota.com/vacation-home-rental-report-january-2009>
- [44] See listings in Explore Minnesota's database:
<http://www.exploreminnesota.com/experience/71/directory/lodging?catid=64,195&ia=true>

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buffered from adjacent residential uses with landscaping, fencing or other acceptable methods of screening in accordance with *Section 7.23 of this Ordinance*.

- H. The small truck terminal shall not generate excessive customer or client traffic that is detrimental to the character of the surrounding properties.
- I. There shall be no indication of offensive noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line.
- J. The small truck terminal shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved.
- K. The small truck terminal at a dwelling with an on-site sewage treatment system shall only generate normal domestic household waste unless a plan for off-site disposal of the waste is approved.

6.58 Vacation/Private Home Rental

6.58.1 Performance Standards

A Vacation/Private Home Rental shall be subject to the administrative requirements of *Section 4.18 of this Ordinance* and the following performance standards:

- A. Submittal of an application signed by the property owner and including the following: a current water test from an accredited laboratory with test results for nitrate-nitrogen and coliform bacteria, a compliance inspection of the existing sub-surface sewage treatment system and a to-scale drawing of the location and dimensions of the structure intended for licensing and all associated accessory structures, parking areas, shore recreation facilities and sewage treatment systems.
- B. The occupancy of a Vacation/Private Home Rental shall be limited to no more than two persons per bedroom plus two additional persons per building, not to exceed a maximum of twelve (12) persons; or no more than one (1) person for every fifty (50) gallons of water per day that the building's sub-surface sewage treatment system is designed to handle, whichever is less.
- C. Parking shall meet the requirements of *Section 7.19 of this Ordinance*. Designated parking areas shall be off-street parking.
- D. On premise signs are prohibited.
- E. The Vacation/Private Home Rental shall be connected to an approved sub-surface sewage treatment system. The sub-surface sewage treatment system shall be designed and constructed with a design flow of fifty (50) gallons of water per person per day to handle the maximum number of guests for which the facility is permitted. The sub-surface sewage treatment system shall include a flow measurement device. Flow measurement readings and monitoring of the sub-surface sewage treatment system shall be recorded monthly and records shall be made available to the Department upon request. The use of holding tanks for Vacation/Private Home rental units shall be prohibited.
- F. Rental of recreational vehicles shall not be allowed.
- G. The Planning Commission may impose conditions that will reduce the impact of the proposed use on neighboring properties and nearby

waterbodies. Said conditions may include but not be limited to a fence or vegetative screening along a property line or a native buffer along the shoreline.

- H. The owners of Vacation/Private Home Rentals shall ensure that the noise standards of *Minnesota Rules, chapter 7030; or successor rules*, are met. The Planning Commission may impose a quiet hours standard in order to assist in achieving this goal and to reduce the potential impacts on neighboring properties.
- I. The owners of Vacation/Private Home Rentals shall, at a minimum, comply with *Minnesota Statutes, chapter 504B; or successor statute* and make available to all tenants the Minnesota Attorney General's annual statement summarizing the significant legal rights and obligations of landlords and residential tenants, as described in *Minnesota Statutes, section 504B.275; or successor statute*.
- J. The licensee shall keep a report, detailing use of the home by recording, at a minimum, the name, address, phone number and vehicle license number of all guests using the property. A copy of the report shall be provided to the Department upon request.
- I. No more than two Vacation/Private Home rentals will be allowed on a parcel. Construction of more than one single family dwelling unit or Guest Cottage shall only be allowed on a parcel that meets the requirements of *Sections 10.2.8 and 10.2.12 of this Ordinance*. More than two Vacation/Private Home rentals on the same parcel or on contiguous parcels under common ownership shall constitute a resort and must meet the standards set forth in *Section 10.2.23 of this Ordinance*.

6.58.2 License Required

A Vacation/Private Home Rental shall be licensed by the County and shall meet the requirements of *Stearns County Ordinance Number 204; or successor ordinances*.

6.59 Warehousing, Storage, Distribution and Wholesale Facilities

6.59.1 Performance Standards

Except as provided in *Section 9.11.2 of this Ordinance*, warehousing, storage, distribution and/or wholesaling facilities shall be subject to the administrative requirements of *Section 4.8 of this Ordinance* and the following performance standards:

- A. The site shall be served by a minor arterial or higher functional class of roadway, except that the proposed use may be served by a lesser functional class of roadway if the responsible road authority grants written permission for such use at the proposed location.
- B. The parcel shall have a lot area no less than four (4) times the area of the building footprint.
- C. The use shall comply with all applicable local, state and federal laws, rules, regulations and ordinances.
- D. Buildings shall meet the setback requirements of the applicable zoning district.

Issue: Pervious Pavers/Porous Pavement Research

Agenda Item: Old Business

Background: At last months meeting, the Planning Commission (and the Town Board at their meeting) determined that the Township does not currently allow for porous pavement/pervious paver systems to be counted as anything less than 100% impervious. This was based on a previous discussion of the Township's desired policy in 2007 when the Township was just beginning its own zoning program.

However, there was interest expressed in researching what evidence may be out there as to whether these work or not. Staff has done only limited research thus far, but would like to present the following as two resources regarding such systems. If members of the Planning Commission have found any other resources, or find some over the coming weeks, please let Staff know and we will distribute them accordingly.

The two attached resources are:

1. A summary of some in-field research conducted in Olympia, WA.
2. A presentation by MN DOT staff regarding the general pros/cons and types of porous pavement/permeable paver systems (mostly on porous pavement).

Field Evaluation of Permeable Pavements for Stormwater Management

Olympia, Washington



LOW-IMPACT
DEVELOPMENT
CENTER

Key Concepts:

- Structural Controls
- Volume Reduction
- Space Savings

Project Benefits:

- Elimination of Stormwater Ponds
- Demonstration of Water Quality Benefits
- Lower Maintenance

Introduction

This study demonstrates the potential of permeable pavement systems to restore soil infiltration functions in the urban landscape. It is based on the results of a project that included installing and monitoring several porous pavement systems in a parking area. The project's objectives were to

- Review existing information on permeable pavements
- Construct full-scale test sites
- Evaluate the long-term performance of these systems

The report outlines the difficulties encountered, costs of installing and maintaining the systems, performance based on existing soil systems, special benefits of filling the open cells with grass as opposed to gravel, and other water quality benefits.

Project Area

The demonstration site was in an office parking lot in Olympia, Washington. Two adjacent parking stalls were constructed using four types of permeable pavement systems that consisted of a combination of grass and gravel, as shown in Figure 1. The designs were

1. A flexible system consisting of a plastic network of cells with grass infill and virtually no impervious area coverage.
2. A flexible system consisting of a plastic network of cells similar to design 1 but filled with gravel.

3. A system consisting of impervious blocks with the space between the blocks filled with grass. (Total surface area is 60 percent impervious).
4. A system consisting of impervious blocks with the space between the blocks filled with gravel. (Total surface area is 90 percent impervious).

A control stall was constructed out of traditional asphalt. A system of pipes, gutters, and automatic sampling gauges was installed to collect and measure the quantity and chemistry of surface runoff and subsurface infiltrate. Figure 2 shows a schematic of the test facility.



Figure 1. Different types of permeable pavement. From top left: reinforced gravel and grass pavement, reinforced grass pavement, 60% impervious concrete blocks with grass, 90% impervious blocks with gravel.

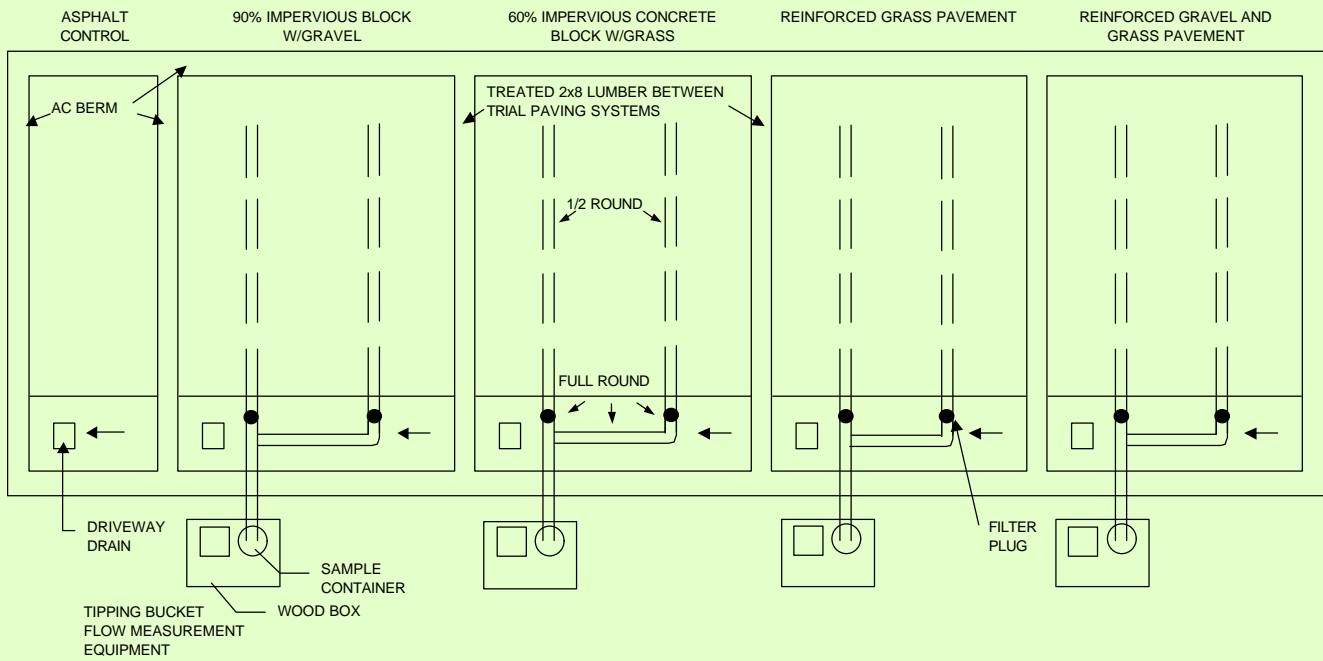


Figure 2. Schematic of the test facility showing treatments and runoff collection devices.

Project Summary and Benefits

The results of this study showed the following relationships:

- The use of permeable pavement systems dramatically reduced surface runoff volume and attenuated the peak discharge, as shown in Figure 3.
- Although there were significant structural differences between the systems, the hydrologic benefits were consistent.
- Storm characteristics and weather conditions influenced the hydrologic responses of the systems.
- Permeable pavement system types vary widely in cost and are more expensive than typical asphalt pavements. Cost comparisons between permeable pavement installations and conventional ponds or underground vaults are limited. However, the elimination of conventional systems and reduced life cycle and maintenance costs can result in significant cost savings over the long term.
- A significant contribution of permeable pavements is the ability to reduce *effective impervious area*, which has a direct connection with downstream drainage

systems. This strategy of hydrologic and hydraulic disconnectivity can be used to control runoff timing, reduce runoff volume, and provide water quality benefits.

Contact Information

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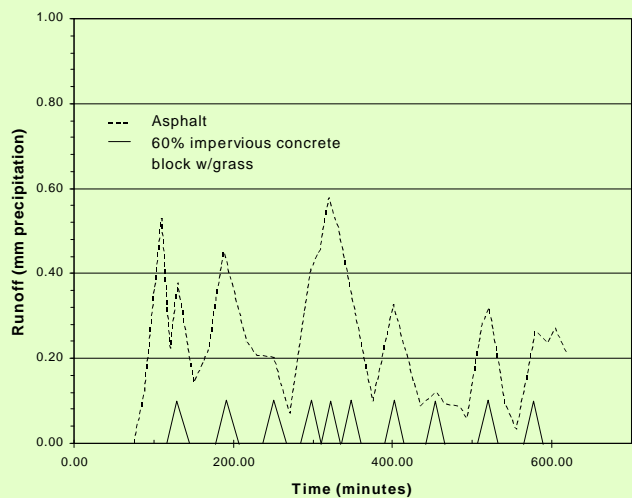


Figure 3. Runoff volumes from asphalt and permeable pavements.

Minnesota Porous Pavement Research

Matthew Lebens, P.E.

Mn/DOT Research Project Engineer

TERRA - MnROAD Open House

July 30th 2008



Typical Stormwater Handling Method

Impermeable
pavement



Inlet



Outlet



Culverts

Detention
Pond/
Surface
Water



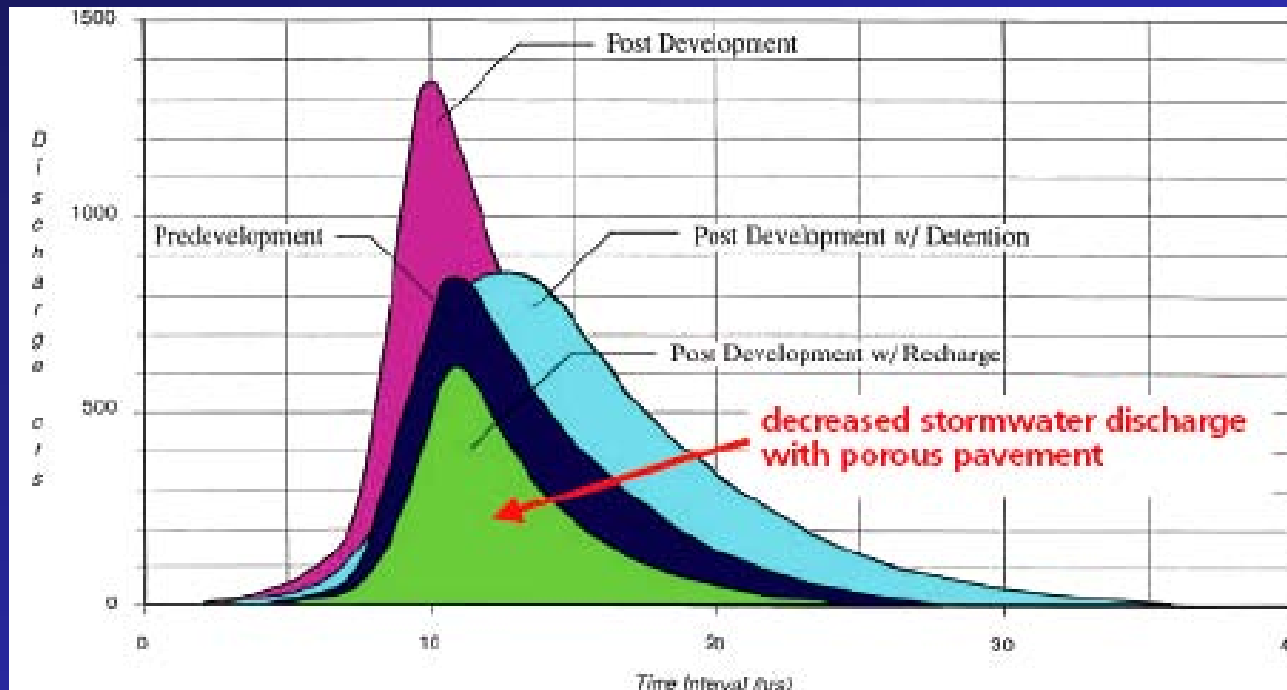
May lead to



Flooding (Missouri Capital 1993)

An Alternative – Permeable Pavements

- **Permeable Paving** also called **Pervious Paving** or **Porous Pavement**
- Allows vertical movement of water and air through the pavement and base directly into subgrade soils and groundwater.
- Properly designed permeable pavements can reduce the total runoff volumes and peak flow.



Source: Cahill & Associates



Examples of Permeable Pavements

■ Porous Turf

- used for occasional parking
- counteracts the “heat island” with water transpiration

■ Single-sized Aggregate

- low traffic areas only, but large potential use
- highly permeable
- least expensive – no binder

■ Porous Pavers

- concrete or stone units with open, permeable spaces between the units
- architectural appearance
- can withstand heavy traffic, particularly interlocking paving blocks

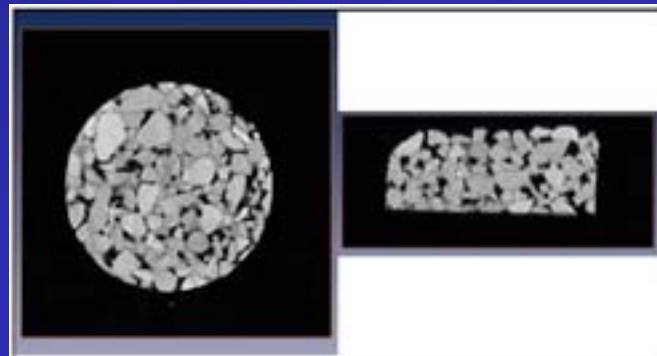
■ Porous Asphalt and Pervious Concrete

- plant mixed
- minimal fine (small) aggregates
- high % of interconnected voids provide porosity and permeability
- often used with permeable base course
- withstands repeated traffic



Porous Asphalt (PA)

👉 **Open-Graded mix with high porosity** - storm water travels vertically through permeable surface, is stored in open-graded base, and infiltrates into subgrade groundwater directly.



porous asphalt core CT scan

PA surface texture

Porous Asphalt Types

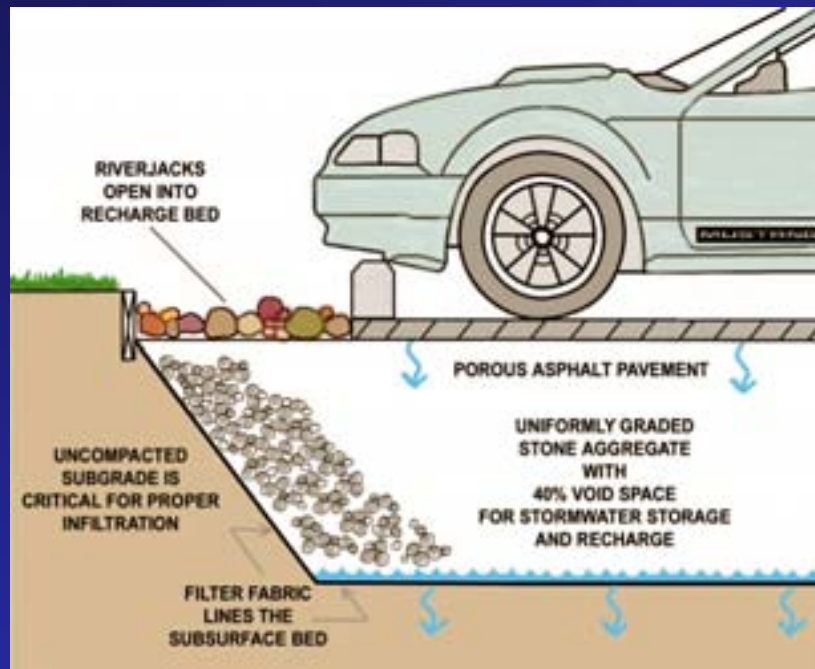
■ Porous Friction Courses (PFC) (OGFC)

Usually a thin wearing course of porous asphalt above impervious HMA layer – water drains out laterally.

■ Porous Asphalt (PA)

One or more lifts of fully permeable pavement over porous base.

Full Depth Porous Asphalt Example:



Source: Cahill & Associates

Pervious Structure allows water to flow through

Open-Graded Storage layer

Geotextile

Uncompacted Subgrade



Porous Asphalt (PA) In Use Elsewhere

■ In the USA

- ◆ Most commonly used in parking lots, trails, hardscaping.
- ◆ Few examples of full-depth PA on roadways.
- ◆ As OGFC or PFC - Common in FL, GA, OR, CA, TX

■ In Europe

- ◆ Netherlands (extensive use of PA on roads)
- ◆ Denmark, Belgium
- ◆ Great Britain
- ◆ Sweden (Similar cold-climate research done)
- ◆ France, Switzerland, Italy, Spain, Greece

■ Japan

■ And Others

- ◆ Australia, Canada, South Africa, Malaysia



◆ Potential Benefits

- Reduces stormwater total runoff and storm surges
- Less structures, detention ponds, and right-of-way needed for stormwater mitigation
- Environmental benefits; water quality, runoff water temperature, recycled materials, water & air to plant roots
- Quieter pavement - lower tire & vehicle noise
- Low impact development - Leadership in Energy and Environmental Design (LEED®) credits
- Faster snow melt(?), resistant to frost heave & thermal cracking
- Safety improvements: less splash & spray, glare reduction, less hydroplaning



◆ **Potential Disadvantages**

- ☞ **Durability results are mixed elsewhere and not well-studied in cold climates**
- ☞ **Potential for clogging – leads to loss of permeability, failure of stormwater handling & environmental benefits**
- ☞ **Clogging incurs regular maintenance – usually pressure spray / vacuuming is employed**
- ☞ **Higher Costs – construction, maintenance, shorter lifespan. (May be balanced with higher cost of standard stormwater mitigation)**
- ☞ **Assumed lower structural contribution from porous pavement**
- ☞ **Increased deicing application needed(?)**



LRRB 878 MnROAD Porous Asphalt Project

**To study the Durability, Maintenance Needs,
Hydrologic Benefits, and Environmental
Considerations of a Full-Depth Porous
Asphalt Pavement in a Cold Climate.**

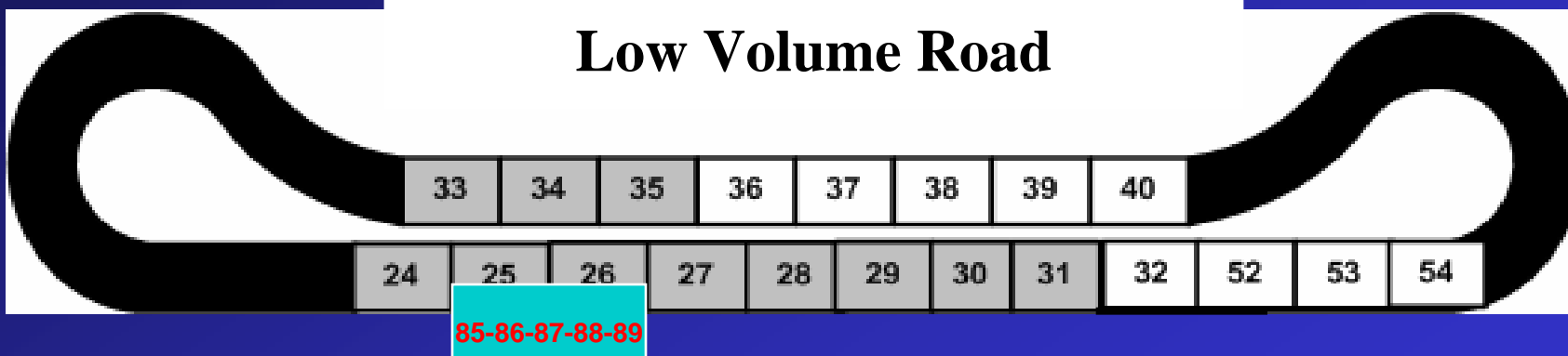
Construction - Summer 2008

Project Ends - Fall 2010



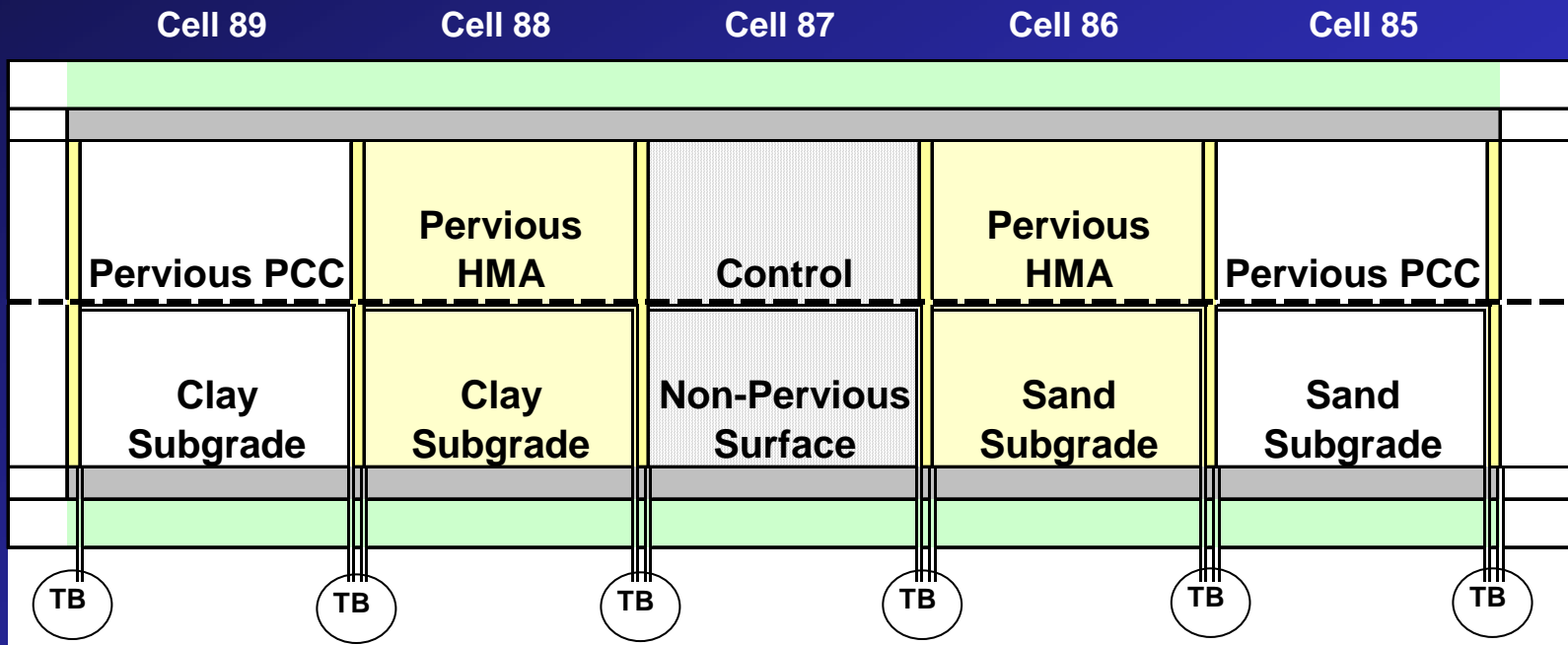
LRRB 878 MnROAD Porous Asphalt Project

- Late Summer 2008 Construction MnROAD Low Volume Road
- Cells 25 & 26 to be replaced with cells 85 - 89

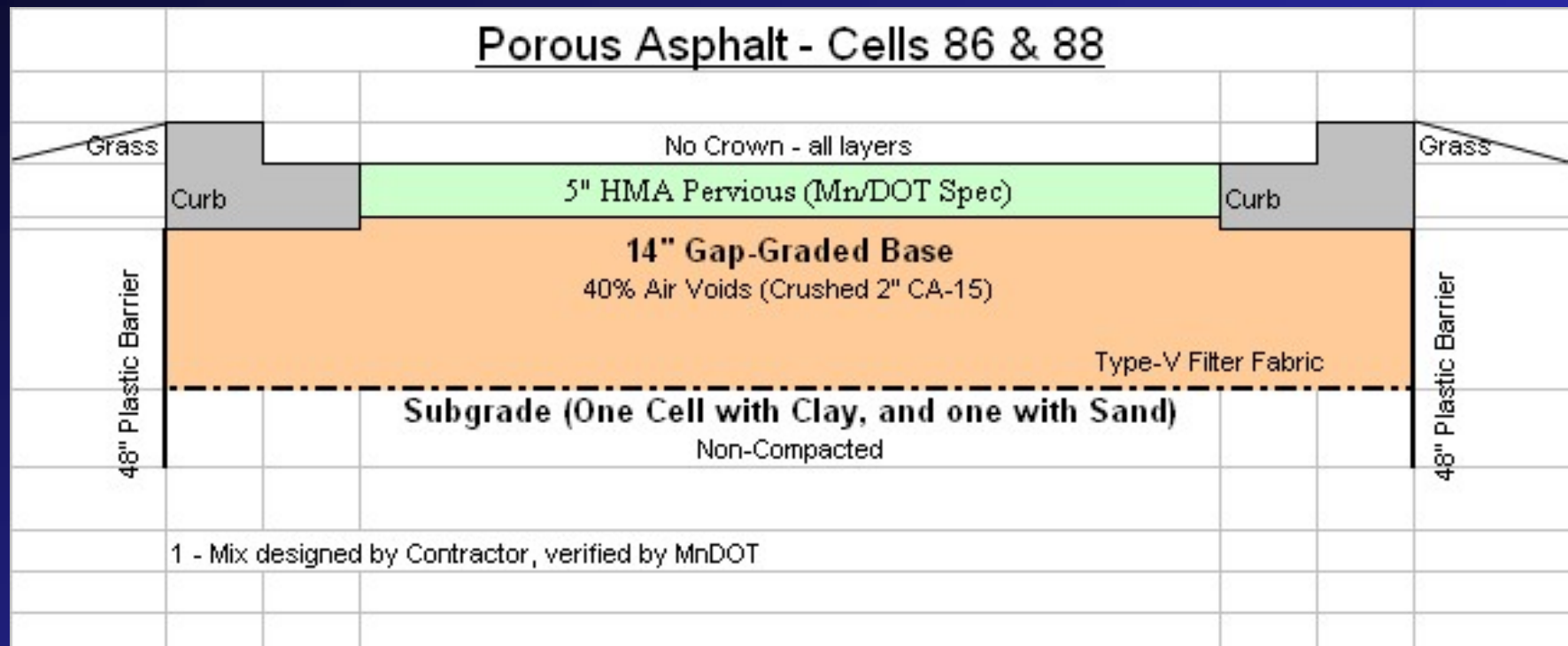


2008 Construction MnROAD Low Volume Road

- Two porous asphalt (LRRB 878), and two pervious concrete (LRRB 879) pavement sections; one of each with a clay subgrade, and one of each with sand subgrade.
- An adjacent, impermeable (sealed HMA) “control” section will also be prepared to compare durability / runoff / water quality.



LRRB 878 Cross Section



LRRB 878 Research Objectives

- ◆ Evaluate performance; durability and functionality when used on a low volume roadway in Minnesota (cold climate).
- ◆ Study hydrologic benefits and quantify environmental effects.
- ◆ Provide an alternative design tool for pavement designer to effectively manage storm water on local roads.
- ◆ Use performance data to develop mechanistic-empirical design of porous pavements in cold-weather environments.
- ◆ Document necessary maintenance procedures and cost.
 - ☞ When is maintenance required?
 - ☞ Best Practices? How often?



LRRB 878 Testing Methodology

Two-year continuous Monitoring; 2008 - 2010

(issues where cold-climate data is lacking have green bullets)

- ➡ Pavement performance – distress surveys, friction, fwd.
- ➡ Stormwater - flow rate & volume, compare to control cell.
- ➡ Document groundwater quality; Heavy Metals, PH, Suspended Solids.
- ➡ Monitor and document Subsurface frost and Snow & Ice issues.
- ➡ Monitor pavement clogging, test maintenance schemes.
- ➡ Noise Testing.

Instrumentation

- ➡ Piezometers, strain gauges, tipping buckets, lysimeters, thermocouples, TDRs, and permeameters.



LRRB 878 Summary of Porous Asphalt Modified Mn/DOT Specification 2360/2350

(Based on NCAT 2000) (Key Mix Properties in green)

- PG64-34 Binder, Minimum asphalt content 5.5% - 6.5% by weight
- No recycled material
- Gradation; 100% passing $\frac{3}{4}$, 75% retained on #4 (no Class B aggregates)
- LA Rattler Loss <35% for any individual source
- Mineral Filler allowed / Maximum Draindown $\leq 3\%$
- Coarse Aggregate Angularity >55% (No Fine Agg Angularity Spec)
- Coarse Aggregate Absorption $\leq 2\%$
- Voids in Coarse Agg; $VCA_{max} < VCA_{drc}$
- Flat & Elongated ≤ 5 (5:1 ratio)
- Clay Content, Max Spall, % Lumps retained on #4
- Air Voids; 17 - 19% (ensures permeability)
- Placement of Asphalt @ 50F ambient temp, 275F mix laydown temp minimum
- Modified Lottman test; TSR $\geq 80\%$
- Mix Storage; 90 minutes max
- Mix to be placed with a track paver only
- 10-ton steel wheeled non-vibratory rollers only (1 or 2 passes)
- No vehicular traffic on finished surface for 24hrs, prevent surface contamination



Status of LRRB 878 Project - July 2008

- **MnROAD Phase II reconstruction (2007-2009) continuing**
- **2008 MnROAD reconstruction continued in April (Mainline first)**
- **Preliminary Geotechnical Survey work done**
- **Piezometers installed**
- **Baseline Water Quality Sampled and Tested**
- **Porous Asphalt Mix Design in progress**
- **Expect Porous Asphalt (& Pervious Concrete) Cell construction August or September 2008**



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Websites & Additional Info;

- <http://www.fhwa.dot.gov/environment/ultraurb/3fs15.htm>
FHA fact sheet – porous pavements
- <http://www.cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm>
US EPA Stormwater BMPs
- www.hotmix.org National Asphalt Pavement Association
- <http://www.dot.state.mn.us/mnroad/index.html>
MnROAD information



Thank you



