

**NOTICE OF PUBLIC HEARING  
ON APPLICATION FOR A CONDITIONAL USE PERMIT**

**NO. 1212 BY:**

**Christopher J Vaaler  
W8131 County Road ZB  
Onalaska, WI, 54650**

NOTICE IS HEREBY GIVEN, that a public hearing will be held in the COUNTY BOARD ROOM (1700) of the ADMINISTRATIVE CENTER (entry via EAST entrance only), 212 6<sup>TH</sup> ST N, LA CROSSE, WI 54601 on February 27, 2023 at 6:00 p.m. for an application for a CONDITIONAL USE PERMIT in accordance with La Crosse County Ordinance chapter 17.05(1)(b)14. Transient residential uses to operate a short-term vacation rental.

PROPERTY DESCRIBED AS: Lakewood Addition Lot 12 Block 2, Sec. 25, T. 17N, R.8W. Tax parcel(s) 10-2139-0. Property address W7527 County Road ZB. Town of Onalaska.

**ANY PERSON HAVING A CONCERN IN THIS MATTER WILL BE GIVEN THE OPPORTUNITY TO BE ORALLY HEARD RELATIVE TO THE GRANTING OR DENYING OF THIS PETITION. WRITTEN CORRESPONDENCE CAN BE READ INTO THE RECORD OF A PUBLIC HEARING BY THE SUBMITTING INTERESTED PARTY OR A REPRESENTATIVE. A TECHNICAL REPORT PREPARED AND SUBMITTED BY OTHER GOVERNMENTAL AGENCIES SHALL BE READ INTO THE RECORD. ALL OTHER CORRESPONDENCE IS RETAINED ON FILE.**

All pursuant to Section 59.69 Wisconsin Statutes. The application is on file in the office of the County Zoning Director. If you have any questions, please call (608) 785-9722.

Dated: Thursday, February 16, 2023

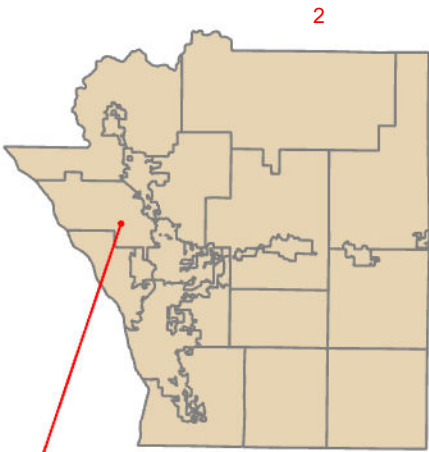
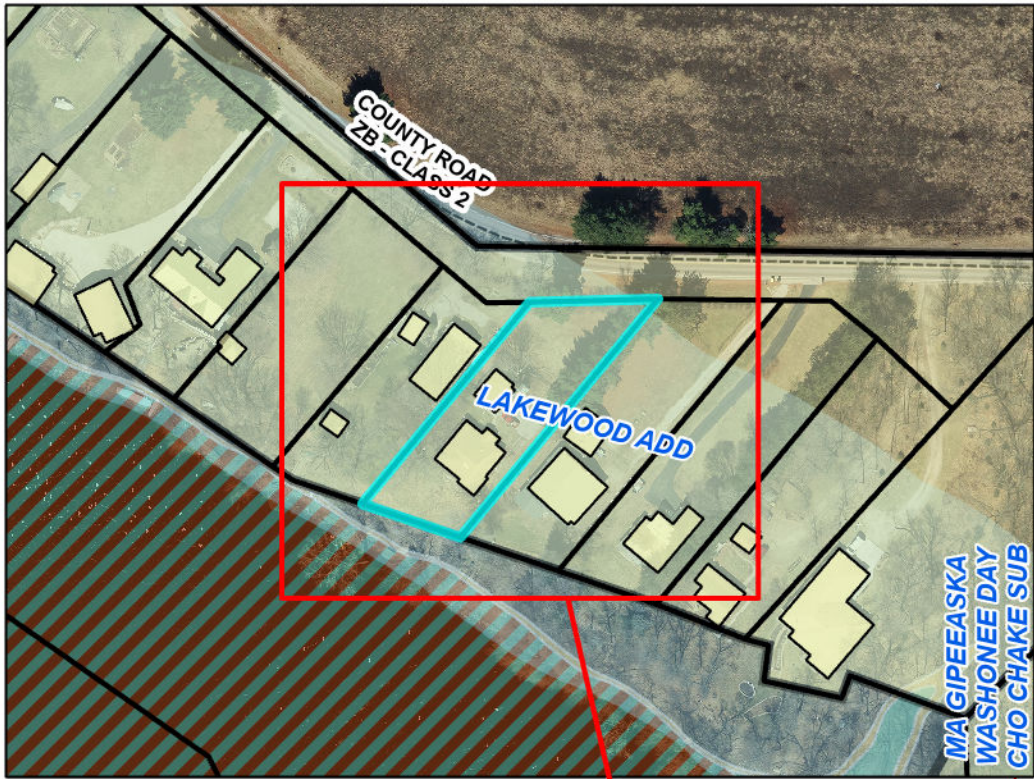
LA CROSSE COUNTY PLANNING, RECOURSES  
AND DEVELOPMENT COMMITTEE

BY *Kathleen Stewart*  
Kathleen Stewart, Administrator  
Zoning, Planning and Land Information Department

ACCORDING TO THE AMERICANS WITH DISABILITIES ACT, PUBLIC ACCESS TO THE ADMINISTRATIVE CENTER IS LIMITED.

PERSONS WITH DISABILITIES: IF YOU NEED ACCOMMODATION TO ATTEND THIS MEETING, CONTACT THE ZONING, PLANNING AND LAND INFORMATION OFFICE AT 785-9722 THE FRIDAY PRIOR TO THE MEETING SO THAT ARRANGEMENTS CAN BE MADE.





**Legend**

- SUBDIVISION
- WATER**
- SHORELAND - R
- FLOOD ZONES**
- (0.2%)
- (AE) = FLOOD FRINGE
- (AE) = FLOODWAY
- (X)



**CONDITIONAL USE PERMIT NO. 1212**

CONDITIONAL USE PERMIT NO. 1212 Christopher J Vaaler, W8131 County Road ZB, Onalaska, WI 54650, apply(ies) for a CONDITIONAL USE PERMIT on land zoned Residential District A in accordance with La Crosse County Ordinance section 17.05(1)(b)14, Transient residential uses, to operate a short-term vacation rental. Property described as Lakewood Addition Lot 12 Block 2, Sec. 25, T.17N, R.8W. Tax parcel 10-2139-0. Property address W7527 County Road ZB. Town of Onalaska.





**LA CROSSE COUNTY**  
Exceptional services. Extraordinary place.

**ZONING, PLANNING AND LAND INFORMATION OFFICE**

La Crosse County Administrative Center  
212 6<sup>th</sup> St. North • Suite 1300  
La Crosse, Wisconsin 54601-3200

**Staff Report – Application for CONDITIONAL USE PERMIT**

**CONDITIONAL USE PERMIT #:** 1212

**Parcels:** 10-2139-0

**Applicant:** Christopher J Vaaler

**Application Date:** 11/8/2022

**Hearing Date:** 2/27/2023

**Zoning District:** Residential District A

**Conditional Use:** 17.05(1)(b)14. Transient residential uses to operate a short-term vacation rental

**Reviewer:** Aaron Lacher & Dillon Constant

**Project #:** 34535

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**Request**

17.05(1)(b)14. Transient residential uses to operate a short-term vacation rental.

**Materials Submitted by Applicant**

1. CUP Application
2. Impact Statement

**Summary of Noteworthy Topics**

This application is the result of a complaint-based enforcement action commenced on August 1, 2022. Unauthorized use of the property as a short-term rental continued after the applicant was directed to discontinue, resulting in a citation being issued on January 18, 2023.

Typically, a recommendation is received from the Town in which the use is proposed, however, no recommendation was received in this case. This is not for lack of the Applicant bringing the item before the Town; the Town heard the request and chose to take no action (see Public Comments section below).

Staff have concerns about the Applicant's ability to comply with conditions thought necessary for approval rooted in a history of enforcement actions commenced by the County against the Applicant, and the Applicant's untimely responses to the County when addressing them. Specifically, these concerns are based on substantial evidence involving code enforcement cases on four properties owned by the applicant, one of which is the subject of his current application. Included as Appendix A are the notes the County compiled during the enforcement cases.

During the initial hearing on this application, the Committee directed staff to prepare findings supporting a denial recommendation for its consideration at their next scheduled meeting. Accordingly, conditions, findings and conclusions supporting this action are incorporated below. Staff recommends that the Committee consider and accept, modify, or reject each element independently, being mindful that the record must clearly demonstrate understanding and uptake of any staff recommendations by the Committee. **The more discussion of the rationale for the Committee's action during the hearing, the better.**

**Applicable Ordinance Sections & Law**

Wis. Stats. S. 59.69(5e) enables counties to issue conditional use permits and sets forth required procedures. Statute requires that “substantial evidence” be the basis for decisions on conditional use permit applications. La Crosse County Ordinance (LCO) Chapter 17.10 further establishes procedures required locally.

Wis Stats. s. 59.69(5e):

*“(a)...“Substantial evidence” means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.*

*1. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the county ordinance or those imposed by the county zoning board, the county shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.*

*2. The requirements and conditions described under subd. 1. must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the county relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The county's decision to approve or deny the permit must be supported by substantial evidence.*

*(c) Upon receipt of a conditional use permit application, and following publication in the county of a class 2 notice under ch. 985, the county shall hold a public hearing on the application.*

*(d) Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the county may impose conditions such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in the zoning ordinance or by the county zoning board.*

*(e) If a county denies a person's conditional use permit application, the person may appeal the decision to the circuit court under the procedures contained in s. 59.694 (10).*

*LCO 17.03(88) Transient Residential Use. The temporary occupancy, by someone other than the owner, of a dwelling unit for residential short term occupancy for a period not to exceed 30 days.*

*LCO 17.05(1)(b)14. [Residential District “A”, Conditional Uses] Transient Residential Uses.*

Township approval is required for most conditional use permits.

LCO s. 17.10(8):

*Except for conditional uses approved under 17.05 (5)(D)(2b) and La Crosse County Code of Ordinances Chapter 28, which require only County Board approval, all other conditional use permits require both Town Board and County Board approval.*

### **Zoning & Permit History**

The parcel has not been subject to previous rezoning. A chronology of zoning permits includes the following:

1962 – ZO #2530 for house and carport.

2018 – ZO #27253 for an addition to residence. Expired 4/5/2019 without work being completed.



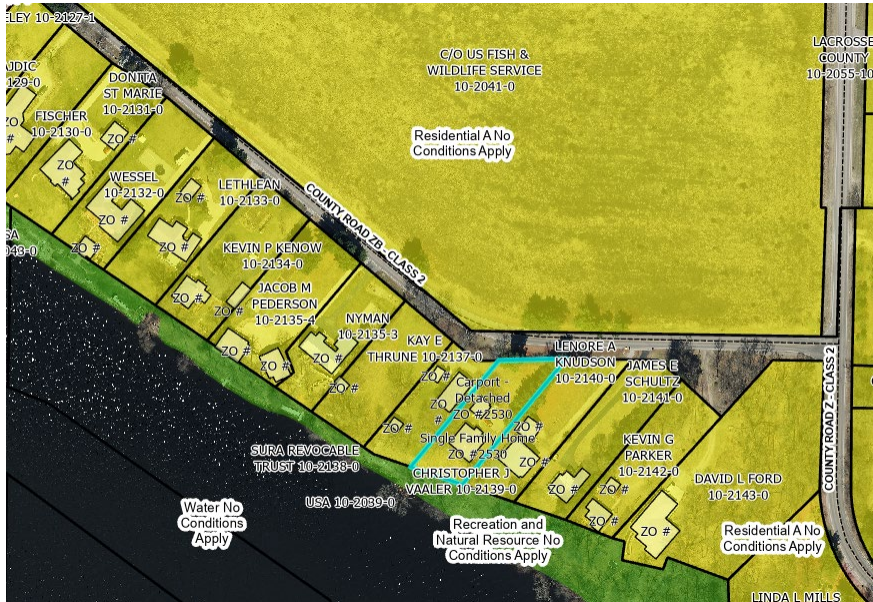


Figure 1 Zoning Districts

### Site Characteristics

The property is within the Lakewood Subdivision along Lake Onalaska. The subject lot and all neighboring developed lots are zoned Residential "A" District (Figure 1). Shoreland Zoning extends over most, if not all, of the lot. The lot is 0.45 acres in area. The lot width measures  $\pm 87'$  and is therefore considered a substandard lot under Shoreland Zoning (20.22(2)) which requires a minimum width of 100'.

### Public Comments

The Town of Onalaska, the County Supervisor(s) representing the affected area, and property owners of record within 300' of the proposal

were notified. The Town undertook discussion of this item during their 12/13/2022 Town Meeting which concluded with the passage of a motion to "take no action on the short-term rental applications...until both the Town of Onalaska and La Crosse County complete and codify ordinances relating to short term rentals, and that no additional Conditional Use permit applications for short term rentals be accepted until said ordinances are completed. Motion passed unanimously."

### Proposed Conditions

Staff recommend the following conditions as being necessary in order to issue a conditional use permit for this application: **(Note that staff recommend that the Committee establish the conditions thought necessary for the use by passage of a motion prior considering whether to recommend approval or denial of the application)**

1. The owner(s) of the property to which this Conditional Use Permit is issued will abide by all representations and commitments made during the permitting process as well as before the Committee, in accordance with all conditions to the conditional use permit, taken as a whole, as approved by the Planning Resource and Development Committee and the County Board.
2. This approval does not preempt the Permittee's obligation to comply with all other applicable federal, state, and local regulations.
3. The Permittee shall contact La Crosse County Environmental Health and implement any requirements per their ordinances.
4. The Permittee shall contact the Town Building Inspector and implement any requirements per their ordinances.
5. The number of occupants allowed within the tourist rooming house shall be determined by the La Crosse County Sanitarian and incorporated in the tourist rooming house license issued by the La Crosse County Environmental Health Department.
6. Refuse shall not accumulate on the site.
7. This permit is nontransferable.
8. Tents, recreational vehicles, and other means of overnight stay are prohibited.

9. This conditional use permit is contingent upon approval by the Town of Onalaska and does not become effective until the Town approves the same. Conditions imposed by the Town as part of approval are incorporated herein, except for conditions related to the term of the permit.
10. This permit shall expire April 30, 2024, unless renewed prior to that date. Renewal shall be according to the procedure set forth in 17.03(3)(c). Renewal shall incorporate any future amendments to the ordinances to which the use is subject. The permittee is solely responsible for submission of a timely application.
11. All applicable county permits and state licenses shall be referenced on any advertising, including advertisements on the internet. Licenses and permits shall be prominently displayed in a conspicuous location on the property.
12. Parking facilities shall be provided on the property and shall not be located within the road right-of-way.
13. All activities authorized by this permit shall be conducted so as not to constitute a nuisance to uses already authorized in the area.
14. Permittee shall provide a property management contact that will be available at all times when the property is rented and that has the ability to respond to and address concerns promptly.
15. Property line boundaries shall be clearly marked, and the permittee shall ensure occupants do not enter neighboring properties.

#### **Proposed Findings**

Staff recommends denial based on the following findings and conclusions of law, which are provided for consideration and adoption by the Board.

#### **FINDINGS OF FACT**

1. The Applicant is: Christopher J Vaaler  
W8131 County Road ZB  
Onalaska, WI 54650
2. The Applicant is the owner of the property described as Lakewood Addition Lot 12 Block 2, Section 25, T17N, R8W. Property address W7527 County Road ZB. Tax Parcel 10-2139-0. Town of Onalaska.
3. The lot subject to this application lies entirely within Residential District A.
4. Within the Residential District A, a conditional use permit is required to operate a short-term rental (i.e., transient residential use) under section 17.05(1)(b)14.
5. An enforcement action was initiated for the unpermitted use of the single-family dwelling at W7527 County Road ZB as a short-term dwelling on 8/1/2022. A letter was mailed to the Applicant advising him to discontinue to use and requesting that he contact zoning office.
6. The Applicant responded to the 8/1/2022 letter by calling the Zoning Office on 8/22/2022. During the phone call staff advised that the property should not be listed as available for rent on short-term rental websites.
7. On 9/6/2022 staff verified that the property was listed for rent on Airbnb.com.
8. On 9/15/2022 staff verified that the property was listed for rent on Airbnb.com. Staff sent a second enforcement letter to the Applicant instructing the Applicant to discontinue the unauthorized use immediately.
9. In an email sent 11/1/2022 staff advised the Applicant's attorney that the property should not be listed as available for rent on short-term rental websites.



10. The Applicant submitted an application to La Crosse County Zoning, Planning & Land Information Department on 11/8/2023 requesting approval under section 17.05(1)(b)14. Transient residential uses to operate a short-term vacation rental. The application was determined to be complete on 12/13/2022 when correspondence regarding Town action on the application was received from the Town of Onalaska. Because the use had already been commenced, the application was considered after-the-fact.
11. On 1/12/2023 staff verified that the property was listed for rent on Airbnb.com.
12. On 1/18/2023 La Crosse County Zoning cited the Applicant (citation 23-FO-16) for the unpermitted use of a residence as a short-term rental.
13. On 1/30/2023, a public hearing was held to consider CU1212. The Applicant's agent spoke in favor of the application; twelve members of the public spoke in opposition, many describing nuisances they've experienced as the result of the ongoing unpermitted use of the property as a short-term rental.

#### **CONCLUSIONS OF LAW**

1. La Crosse County, under Sections 17.03 and 17.10 of the La Crosse County Ordinance, has the authority to approve or deny conditional use requests.
2. Section 17.10(8) of the La Crosse County Ordinance requires Town Board approval for most conditional uses, including permits for transient residential use sought under section 17.05(1)(b)14. The Town of Onalaska has not approved this application.
3. Wis Stats. s. 59.69(5e) requires that if an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the county ordinance or those imposed by the county zoning board, the county shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.
4. The La Crosse County Zoning Ordinance, section 17.03(a), provides that certain uses may be permitted as conditional uses based upon evidence presented at a public hearing tending to show the advantages or disadvantages of a specific location for a proposed use in promoting the public interest due to factors such as, without limitation, noise, smoke, increased traffic, heavy vehicular traffic, odors, impacts on water and sewer systems, impacts on public waters, impacts on neighboring property values and other similar factors. Based on the testimony taken at the public hearing outlining numerous instances of nuisance involving noise, smoke and trespassing, the Committee concludes that the Applicant is unable to conduct the use without disadvantageous effect in the specific area (See Appendix B for draft minutes).
5. In addition to the requirements set forth in 17.03(a), the county zoning board (i.e., the Committee) has determined that 15 conditions are necessary in order to issue a conditional use permit for this application.
6. Among the conditions imposed by the Committee, condition #1 states: "This approval does not preempt the Permittee's obligation to comply with all other applicable federal, state, and local regulations." Based on the ongoing illegal use of the property documented above, the Committee concludes that the Applicant will not abide by the various requirements and conditions affecting the operation of a short-term rental and therefore does not meet this condition.

7. Among the conditions imposed by the Committee, condition #13 states: "All activities authorized by this permit shall be conducted so as not to constitute a nuisance to uses already authorized in the area." Based on the testimony taken at the public hearing outlining numerous instances of nuisance involving noise, smoke and trespassing, the Committee concludes that the Applicant is unable to conduct the use without creating a nuisance, and therefore does not meet this condition (See Appendix B for draft minutes).
8. Among the conditions imposed by the Committee, condition #14 states: "Permittee shall provide a property management contact that will be available at all times when the property is rented and that has the ability to respond to and address concerns promptly." Based on the time that lapsed between the initial letter requesting that the Applicant contact the County regarding its concern over the unpermitted use, and the resulting phone call from the Applicant, the Committee concludes that the Applicant will not respond promptly and therefore does not meet this condition. Based on the Applicant's failure to comply with multiple requests from the County to discontinue the unauthorized use documented above, the Committee concludes that the Applicant will not address concerns and therefore does not meet this condition.



## Appendix A

Notes compiled by the County Zoning during past enforcement cases with the Applicant.

- Enforcement of unpermitted construction of deck and patio (replacement) opened 8-4-16 for address W8131 Co ZB
  - 7-29-16, Initial contact with Vaaler about unpermitted work on residence
  - 8-5-16, unanswered call to Vaaler, message left no response.
  - 8-9-16, Initial violation letter sent.
  - 9-1-16, Vaaler visits office, application started.
  - 12-5-16, 2nd letter sent to Vaaler after no contact since 9-1-16 visit.
  - 12-15-16, Fax received containing additional application information.
  - 1-2-17, 3rd letter sent to Vaaler indicating an after-the-fact variance and ZO was needed for new work. Replacement of deck and expansion of patio without permit. Variance required as work was completed within 75' of waterway.
  - 2-10-17, Vaaler visits office. Deadline to apply for variance 03-04-17 communicated.
  - 3-9-17, email to Vaaler inquiring about application details, unanswered.
  - 3-27-17, letter sent to Vaaler after no response to request for information.
  - 4-21-17, received email from Vaaler informing intent to file civil suit if any fines for noncompliance were issued and to contact attorney.
  - 4-24-17, Vaaler submitted incomplete online application.
  - 4-28-17, unanswered phone call requesting additional info
  - 5-2-17, email sent requesting additional info.
  - 5-22-17, ZO 26953 is issued for patio and deck.
- Enforcement of unpermitted driveway construction opened 7-16-19 for address W8139 Co ZB
  - 7-16-19, initial letter sent to Vaaler for unpermitted driveway construction
  - 9-16-19, 2nd letter sent to Vaaler
  - 10-4-19, phone call with Vaaler, Vaaler felt no permit was required.
  - 11-11-19, Vaaler visits office, discussed requirements for driveway permits and culvert requirements with staff. Application started.
  - 1-2-20, letter sent to Vaaler indicating driveway application denied by highway dept due to driveway not meeting culvert standards.
  - 2-10-20, letter to Vaaler setting compliance date of 7-6-20.
  - 7-9-20, site visit indicates violation remains
  - 7-14-20, Vaaler paid application fee
  - 7-23-20, Citations issued for violations ZO and shoreland violations.
  - 1-13-21, compliance deadline set by DA of 6-4-21
  - 9-15-21, site visit indicates violations exist
  - 10-5-21, citation issued for continued violations
  - 2-18-22, Vaaler's attorney called department, scheduled appointment
  - 3-10-22, attorney visited staff, stated a variance will be applied for.
  - 4-18-22, attorney responded that Vaaler will apply in person for permits and variance.
  - 10-17-22, highway department indicates that future ditching work will disturb driveway in question. Highway commissioner sent email indicating driveway culvert may continue to exist until work is completed.

- 10-17-22, office visit with Vaaler communicating enforcement will be paused pending proposed Highway Dept solution.
- Enforcement of unpermitted use (short term rental) opened 8-1-22 at W7527 Co ZB
  - Complaint regarding unpermitted short-term rental received 7-19-22
  - 8-1-22, initial letter sent alleging violations exist and advising discontinuing unpermitted use.
  - 8-22-22, Vaaler called office, stated location is being rented to traveling nurse for 3 months. Staff advised Vaaler to remove location from STR websites until a CUP is approved.
  - 9-6-22, Check of Airbnb site shows location listed as available for immediate rental.
  - 9-15-22, check of Airbnb site indicates was available for rent.
  - 9-15-22, 2nd letter sent alleging violations and instructing owner to discontinue use immediately.
  - 10-28-22, email from attorney indicating a CUP will be applied for. 11/1/22 Staff advised attorney that owner was instructed to discontinue use until permits were approved.
  - 11-8-22, application for CUP received from attorney.
  - 1-12-23, complaint received, check of Airbnb site indicates was available for rent.
  - 1-18-23, Cease and Desist letter issued by Environmental Health Department for unpermitted short-term rental.
  - 1-18-23, Citation 23-FO-16 issued for unpermitted use by Zoning.
- Enforcement of erosion control permit violation at Rivendell Subdivision
  - 4-26-06 preconstruction conference letter outlining conditions required during construction mailed to Vaaler.
  - 6-28-06 complaint investigation of Rivendell Subdivision found violations of erosion control plan.
  - 7-6-06 letter to Vaaler communicating violation.
  - Presumed to have been corrected by 7-11-22.



## Appendix B

(Selection from Draft Minutes from 1/30/2032 PRD Hearings)

**CONDITIONAL USE PERMIT NO. 1212** Christopher J Vaaler, W8131 County Road ZB, Onalaska, WI 54650, apply(ies) for a CONDITIONAL USE PERMIT on land zoned Residential District A in accordance with La Crosse County Ordinance section 17.05(1)(b)14, Transient residential uses, to operate a short-term vacation rental. Property described as Lakewood Addition Lot 12 Block 2, Sec. 25, T.17N, R.8W. Tax parcel 10-2139-0. Property address W7527 County Road ZB. Town of Onalaska.

**IN FAVOR:** Matt Klos, Attorney with Hale Skemp Hanson Skemp & Sleik Attorneys & Counselors at Law, 505 King St, Suite 300, La Crosse, WI 54601

Discussion between committee and the petitioner's attorney ensued, specifically on the topic of the petitioner understanding the conditions of the after-the-fact conditional use permit. To which the petitioner's attorney confirmed they did.

No others appeared to speak in favor.

**IN OPPOSITION:** David Ford, W7501 County Rd ZB, Onalaska, WI 54650

Ford commented that he has attended previous Town of Onalaska meetings to oppose issuance of conditional use permits for short-term rentals operating in areas zoned residential, single-family dwelling. Ford proclaimed these short-term rentals qualify as a commercial use of a structure and allow a party atmosphere to be created in an otherwise quiet neighborhood. Further, the consumption of alcohol by the guests exacerbates the nuisance potential, as does the unpredictability of the guests. Ford listed witnessing nuisances such as: dogs running around off-leash, loud music, unattended fires, more cars parked on the property than there are spaces for, and more people in the house than the septic system can handle. Ford explained he has invested his life savings in his retirement home where he currently lives and did so by adhering to all necessary guidelines written in the town and county ordinances. Ford mentioned he expects the same to be followed by all other residents. Additionally, Ford mentioned short-term rentals are commercial enterprises, which will damage investments made by current neighborhood residents.

**IN OPPOSITION:** David Sura, W7533 County Rd ZB, Onalaska, WI 54650

Sura mentioned he and Connie sent an email with all of their concerns to the county board members, zoning staff, and county clerk. Sura identified his concern for the value of his home being in jeopardy due to it being located next to the 'hotel'. Sura also mentioned being next to a short-term rental is a safety and liability issue, with Connie's grandchildren coming over and guests trespassing. Sura mentioned the police department suggested putting more security cameras up, which he has done for his protection. Sura identified one weekend where there was a party at the short-term rental with over 32 people present. Connie called Airbnb and 30 minutes later, all the people left. Sura also mentioned he has a TV in his screened-in porch in the back of his house which is hard to hear, as is Connie when he tries to have a conversation with her in that location. At any time of day or night, the noise in the short-term rental is too loud.

**IN OPPOSITION:** Gary Fischer, W7573 County Rd ZB, Onalaska, WI 54650

Fischer brought handouts with an outline following points he intended to touch on which were passed around to the committee members. The first point Fischer touched on was 'Family Safety', and he identified the difference between a consistent neighbor you get to know versus an ever-changing, transient occupant, whom you have no way of knowing the background or potential legal history of. The second point Fischer touched on was 'Property Security', and he identified a permanent resident is more likely to have respect for their personal property as well as their neighbor's. Alternatively, short-term rental guests don't have a personal investment in the property they are temporarily occupying and are also not affected by creating negative relationships with neighbors since they do not live in the commercial property permanently. The third point Fischer touched on was 'Property Values', and he expressed concern for the negative impact living next door to a commercial, 24/7-operated short-term rental will have on the value of his home when he attempts to sell it. Fischer mentioned that according to common sense, a family interested in purchasing his home would be less interested upon learning they would be living next door to a short-term rental. Fischer closed by identifying that he had a business in the City of Onalaska, which he operated for 30 years, and built on a lot zoned commercial. Fischer specified he did not set up his business in a home zoned residential and running it 24/7 next-door to families.

**IN OPPOSITION:** Kevin Kenow, W7551 County Rd ZB, Onalaska, WI 54650

Kenow mentioned he has lived in the Lakewood Subdivision since 1991 and has appreciated getting to know his long-term neighbors. Kenow argued his neighbors who live adjacent to the property in question should not be expected to tolerate the negative experiences they have had nor be expected to police the property for an absent landowner. Kenow identified that neighborhoods are communities and mentioned an absent landowner doesn't have a stake in the quality of the neighborhood. Kenow had a couple clarifying questions: (1) Kenow noticed the number of guests in the application is set at 8, but wasn't sure if this applies to registered guests or if this also pertains to visitors of those guests. (2) Kenow identified the regulation indicates the applicant should provide information as to the property management contact, who should have the ability to respond to concerns promptly. Kenow mentioned he is unsure who this contact is and also who enforces the quiet hours. Kenow was unsure if the neighbors are responsible for calling the sheriff or otherwise act on enforcement of the rules.

**IN OPPOSITION:** Vicki Burke, W8349 North Shore Dr, Onalaska, WI 54650

Burke began by commenting that most people prefer to live where they know who their neighbors are and mentioned short-term rentals go against this instinct. Burke also mentioned the housing market is tight and utilizing a property as a short-term rental eliminates a potential permanent residence for local individuals. Burke also mentioned the landlord of this property should be a responsible individual who is concerned about obeying the ordinances of the town and the county. Burke identified herself as a previous county board supervisor who served for 22 years and was never happy about after-the-fact petitions, especially individuals who have a knowledge of what is involved in construction and zoning and aren't following the rules responsibly.

**IN OPPOSITION:** Sharon Schultz, W8155 County Rd ZB, Onalaska, WI 54650

Schultz mentioned she's lived on Brice Prairie for over 40 years and likes the family atmosphere. Schultz mentioned she is opposed to this conditional use permit for the same reasons previously mentioned.

**IN OPPOSITION:** Lenore Knutson W7521 County Rd ZB, Onalaska, WI 54650

Knutson began by mentioning she has presented her concerns many times on this subject, in great detail, to government officials. Knutson presented she would focus on two points this evening: (1) 'Health and Safety', and (2) the Airbnb industry as a whole. Knutson touched on her personal experience over the past year in which she has witnessed hundreds of strangers and vehicles coming and going next door to her at all hours of the day or night. In three months, Knutson counted 188 people and 80 cars at the short-term rental, which she has documented. Knutson identified the on-going car doors slamming and the noise from the short-term rental guests travels throughout her whole house. Knutson mentioned the on-going activity is unnerving and startling and has caused her serious health issues being stressed, depressed, and angry. Knutson mentioned the nearby properties (including hers) are up-wind of the fire pit installed on the short-term rental property, which causes smoke to blow right into the neighboring houses. Knutson mentioned only the owner of the property benefits from it being a short-term rental. Knutson compared the Airbnb industry to the commercial hotel industry and identified that hotels are run by professionals who are trained in the hospitality industry and meet strict health and commercial business codes. Meanwhile, Airbnb was created by computer programmers who know little or nothing about the hotel industry. Knutson identified that the people who run the Airbnb's take shortcuts and don't abide by legal codes.

**IN OPPOSITION:** Mark Schultz, W8155 County Rd ZB, Onalaska, WI 54650

Schultz began by mentioning he is the Chairman of the Lake Onalaska Protection & Rehabilitation District, established by the county in 1975. Schultz asked the committee to consider the land that the Army Corps of Engineers owns along all the properties on the shoreline. Schultz asked if the property owned by the Corps of Engineers is considered land that would need to be set-back from according to county regulations. Schultz mentioned Lake Onalaska is a National Wildlife Refuge that needs to be protected and the number one issue they encounter is disturbance to the wildlife. Schultz asked the committee to consider if the conditional use of the property in question is a reasonable land-use change from the point of view of the wildlife refuge.

**IN OPPOSITION:** Ruth Davis, W7551 County Rd ZB, Onalaska, WI 54650



Davis mentioned she is in opposition for the same reasons previously mentioned. Davis added that they live in a residential district and the short-term rental is a 24/7 business without the owner or management in place there. Davis asked the committee to imagine a business next to them that runs 24 hours a day, every day, without management present.

**IN OPPOSITION:** Connie Sura, W7533 County Rd ZB, Onalaska, WI 54650

Sura mentioned she lives right next to the Vaaler residence. Sura mentioned she feels uncomfortable with the guests who come to the property. Sura identified a time she attempted to call Vaaler to complain about some guests and was unable to reach him and so she contacted Airbnb because she feared for her safety due to a strange man walking on her property looking through her screened-in porch. Sura relayed that Airbnb asked if she wanted to get a hotel room that night. Sura reiterated what her husband mentioned about her grandchildren not being able to come over to their house due to safety concerns. Sura mentioned she has lived in her house for 27 years and to now live her life this way is utterly terrible.

No others appeared to speak in opposition.

Public comment was closed.

Lacher read in correspondence from the town of Onalaska; in which the town voted to approve a motion in which the town chooses to take no action on approving conditional use permits for short-term rentals until receiving guidance by way of complete and codified ordinances related to short-term rentals at both the county and town levels.

Lacher read in correspondence he received earlier in the day from Jon Schultz of the Army Corps of Engineers expressing concerns for approving the conditional use permit number 1212.

Lacher read in additional correspondence he received earlier in the day from Steven and Helen Lethlean who presented similar points of opposition to the others stated earlier in the public hearing.

Lacher mentioned there were photos related to the public hearing item given to him by someone speaking in opposition that night that would be given to the committee members.

Supervisor Hundt requested the committee defer making a decision on the conditional use permit until the county has more substantial rules in place.

Supervisor Cornforth called attention to the need to abide by state statute and identified the petitioner's attorney noted the town's inaction on the item was unlawful and not within statute. Cornforth mentioned the need for giving county staff time to come up with a compatible short-term rental zoning ordinance, but also wanted to make sure the county was following the law in the case they decided to table making a decision on conditional use permit number 1212.

Lacher responded that staff request hearing specific concerns expressed by the committee during the hearing that could help direct staff in reworking the details of the conditional use permit.

**MOTION** by Schlimgen to waive verbally presenting the findings for the public hearing item upon confirmation the committee members received and reviewed the associated materials prior to the hearing.

No second to the motion. **Motion failed.**

Supervisor Erickson clarified he is not in favor of waiving the reading of the findings out of respect to those who appeared in opposition and also with the intention of demonstrating that the findings represent a willful lack of respect for the law by the petitioner.

**MOTION** by Erickson to table the public hearing item until next month's meeting in order to give staff enough time to finalize specific language concerning short-term rentals and also to receive some closure on the open enforcement cases against the petitioner.

Lacher confirmed a month would be a sufficient amount of time to give staff to revisit the language for the conditional use permit. Lacher requested the committee provide direction on the board's desired outcome of this conditional use permit.

**MOTION WITHDRAWN** by Erickson in order to grant Lacher's request for discussion on the committee's concerns.

Supervisor Hundt expressed concern that the Town of Onalaska made no recommendation and would feel more comfortable moving forward upon learning the details of their impending decision.

Supervisor Cornforth clarified the town of Onalaska is waiting for more direction from the county considering this is an issue across all towns in the county. Cornforth brought up the issue of enforcement on the conditions placed on conditional use permits for short-term rental operations and drew attention to the safety and health concerns expressed by those in opposition.

Supervisor Schlimgen brought up the enforcement cases listed in the findings presented in conditional use permit number 1212 and requested status reports on them. Schlimgen also identified the discrepancies in the applicant's application concerning the information listed in the conditional use permit questionnaire versus the impact statement. Schlimgen pointed out some items listed 'non-applicable' in the questionnaire were later addressed in the impact statement and he requests clarification on the discrepancies.

Supervisor Hundt brought up doubts about the county's ability to come up with something substantial by way of a workable ordinance in just a few months.

Supervisor Cornforth expressed full confidence in county staff's ability to present a workable ordinance to the full county board within the proposed timeframe.

Chairman Hoyer summarized his understanding of the committee's main concerns being the vastness of the open violations on the applicant and the petitioner's application itself not being completed in full. Hoyer identified his understanding of the committee's intention to table making a decision on the public hearing item until next month's meeting.

Supervisor Schlimgen drew attention to one of the staff's findings being "Tax parcel 10-2139-0 is approximately 87 feet wide at the building setback from the ordinary high-water mark. The minimum width required by the Shoreland Ordinance is 100'. The lot does not satisfy minimum ordinance dimensional standards."

Supervisor Erickson echoed Supervisor Schlimgen's concern with the item concerning the size of the tax parcel and wondered about the process of bringing the lot size up to code. Erickson also requested staff coordinate with the county's corp counsel on the addition of a condition in the future ordinance on short-term rentals being that short-term rentals must remain in compliance with any new ordinance regarding the topic in order to reduce the possibility of grandfathering scenarios.

**MOTION** by Erickson / Hundt to table action on the Conditional Use Permit NO. 1212 until next month's meeting.

Lacher clarified that when this conditional use permit is brought back to the board, it will be considered as an individual case, not in the broader scope of short-term rentals. Lacher also requested confirmation from the committee that they recommend staff prepare findings for the recommendation to deny the conditional use permit number 1212 when it is brought back for public hearing.

The committee confirmed Lacher's interpretation was correct.

**5 Aye, 0 No, 1 excused (Scheller), 0 absent, Motion carried.**



HALE SKEMP  
HANSON SKEMP & SLEIK  
ATTORNEYS & COUNSELORS AT LAW

Submitted by Applicant

15

November 7, 2022

Quincy H. Hale  
(1919-1987)  
Thomas H. Skemp  
(1936-1977)  
Ernest O. Hanson  
(1941-2007)

Thomas S. Sleik  
(Retired)  
Robert C. Skemp  
(Retired)  
Roger L. Imes  
(Retired)  
Thomas J. Kieffer  
(Retired)

James G. Curtis  
Charles E. Hanson  
David B. Russell  
Michael W. Gill\*  
Thomas L. Horvath  
Bryant H. Klos  
Margaret Ahne Herlitzka§

Kevin J. Roop\*  
Frank M. Doherty\*  
Craig R. Steger\*  
Sarah E. Fortune  
Garett T. Pankratz\*  
Mason B. Schultz  
Emily G. Loe\*

◆ Also Licensed in Iowa  
\* Also Licensed in Minnesota  
§ Court Commissioner

Paralegals  
Andrea L. Parr  
Melissa L. Pepin  
Sharlene S. Nickelatti  
Constance R. Meunier  
Katie A. Anderson  
Melissa J. Nelson

:La Crosse County Planning & Zoning  
212 6th Street North  
La Crosse WI 54601

**Re: Conditional Use Permit Application for Christopher J. Vaaler**

Dear Sir or Madam:

Enclosed please find the Conditional Use Permit Application for Christopher J. Vaaler. Enclosed you also find a check in the amount of \$940 for the application fee. If you have any questions or concerns, please don't hesitate to contact me.

Sincerely,

HALE, SKEMP, HANSON, SKEMP & SLEIK

Matt Klos

email: [mmk@haleskemp.com](mailto:mmk@haleskemp.com)

MK/djs

Encs.



# **Conditional Use Permit Application Worksheet**

Cond. Use No. \_\_\_\_\_

Fee \_\_\_\_\_

Meeting Date \_\_\_\_\_

Application Date \_\_\_\_\_

Applicant's  
NameChristopher J. Vaaler

Address

W 7527 County Road 2B, Onalaska Phone 608-526-1400

Computer No.

10-2139-0

Township

Onalaska

Conditional Use Permit to

allow Transient residential usepursuant to La Crosse County Ord. 17.05(1)(b)(14)

## **OFFICE USE ONLY**

Cond. Use

SOIL DATA

\_\_\_\_\_ % Class I-II Soils

Permits in

\_\_\_\_\_ % Class III Soils

Exclusive Ag.

\_\_\_\_\_ % Class IV Soils

District

\_\_\_\_\_ % Class V-VIII Soils

LAND

\_\_\_\_\_ Acres Woods

CLASS

\_\_\_\_\_ Acres Pasture

\_\_\_\_\_ Acres Crops

\_\_\_\_\_ Acres Idle

## **Mailing List (OFFICE USE ONLY)**

☐ Applicant☐ Property owner☐ Owners within 300 feet☐ PRD Committee Members☐ Town Board☐ County Board Supervisor☐ County Board Chair☐ County Administrator☐ County Surveyor☐ Land Conservation☐ Highway Department

Others:

☐ Dept. Natural Resources☐ Corps of Engineers☐ Dept. of Transportation

Conditional Use Permit Application Number \_\_\_\_\_

To the County Board of La Crosse County:

The undersigned hereby petitions the County Board for a Conditional Use Permit as provided for

in the La Crosse County Zoning / Telecommunication (circle one) Ordinance to allowTransient residential use pursuant to La  
Crosse County Ordinance 17.05(A)(b)(14)on land that is zoned Residential A  
current zoning district

and is described as follows:

Lakewood Addition Lot 12, Block 2, Town  
of Onalaska, La Crosse County, WisconsinDated this 5 day of Oct, 2022  
day month yearSigned [Signature]Mailing Address W 8131 County Road ZB, OnalaskaActing on behalf of \_\_\_\_\_  
property owner if other than applicant

## PUBLIC HEARING REQUIREMENTS PETITIONS TO REZONE AND CONDITIONAL USE PERMITS

Applications for Petitions to Rezone and Conditional Use Permits are considered by the Planning, Resources and Development Committee, which holds a monthly public hearing. In order to be considered at the next meeting, complete applications, along with the filing fee, must be received in the Zoning, Planning and Land Information Office no later than **12:00 NOON** on:

Application Deadline

### INCOMPLETE APPLICATIONS WILL NOT BE PLACED ON THE MEETING AGENDA

Meeting Date at 6:30 PM  
County Board Room – Administrative Center

**ALL applications must include:**

1. Application forms, signed and dated, which are available at the Zoning, Planning and Land Information Office;
2. Legal description of the property (survey required if no legal description exists);
3. A written summary of the impacts to this and surrounding properties, for example: noise, lighting, signage, health issues, safety issues, traffic (current and proposed increase), aesthetics, number of employees, number of customers.
4. A site sketch to a minimum scale of 1" = 100' indicating the location of all structures existing and proposed on the property, all roads, wells, sanitary sewers, stormwater drainage and any other pertinent information.
5. A plan to a maximum scale of 1" = 100' which shows proposed land use, configuration of lots, roads, drainage patterns, and all other improvements necessary for the proposed land use.
6. All documentation of necessary federal, state and local agency approvals, including, but not limited to: WI DOT, WI DNR, La Crosse County Highway Department, Town, Land Conservation Department, County Surveyor.
7. Recommended Land Use Type in County's Development Plan.

**PETITIONS TO REZONE** must also include the reason for the rezone request; **CONDITIONAL USE PERMITS** must also include a description of the activity which requires the Conditional Use Permit.

**APPLICATION NO.** \_\_\_\_\_ (will correspond to approved petition number)

A Class II notice is published in the local newspaper. A notice of the date and time of the public hearing will be mailed to all property owners within 300 feet of your property. Notice of the hearing is sent to the Town Board. **Zoning change and Conditional Use permit applications require Town Board approval. It is the applicant's responsibility to contact Town Board officials to obtain the Town's decision regarding the proposed rezoning.** A veto by the Town Board within 10 days after the public hearing or a Town recommendation for Conditional Zoning could add an additional month to the final decision-making process. **Contact the town and obtain the scheduling of the next available Town Planning Commission and Town Board meeting dates along with an authorized signature. Your application is not complete until this confirmation is provided.**

<u>12-12-22</u> <sup>7<sup>PM</sup></sup> Planning Commission Meeting Date	<u>12-13-22</u> <sup>6<sup>PM</sup></sup> Town Board Meeting Date	<u>Mary Burefort</u> Authorized Town Signature (Printed Name)
--	---	--

Depending on the location of your property, notice of the public hearing will be sent to the County Highway Commissioner, the Wisconsin Department of Transportation, the County Land Conservation Department, the Department of Natural Resources, and the La Crosse Municipal Airport for technical input relating to proposed activity and will become part of the record. Any other correspondence can be viewed during normal work hours up to the Friday before the public hearing and will not become part of the record.

Due process is afforded the applicant. The property owner or representative must be present at the public hearing to present their application to the Committee and answer any questions the Committee may have. Should an appearance not be made, or should insufficient information be presented, the Petition will not be considered by the Planning, Resources and Development Committee and will be deferred to be placed on the agenda for the next public hearing. **The petitioner will be required to pay the additional expense that is incurred because of the postponement of the hearing.**

**NOTE:** Once a public hearing is scheduled on a Petition to Rezone or Conditional Use Permit application, the petition or application cannot be withdrawn, unless a majority vote of the Planning, Resources and Development Committee approves such withdrawal at said public hearing. County Board final approval is generally the 3<sup>rd</sup> Thursday of each month.

Applicant

Date



# CONDITIONAL USE PERMIT QUESTIONNAIRE

*This document will need to be filed along with your permit application. Please answer all questions below. If additional space is needed, please attach additional sheets. If a question does not apply, please indicate "N/A".*

1.) Business Name/Property Address/Billing Address:

Christopher J. Vuolter  
(business) W7827 County Rd 2B, Onalaska (billing) W8131 County Rd 2B, Onalaska

2.) Is your business name registered?

N/A

3.) Do you currently have a Tax ID number for your business? If so, what is your number?

N/A

4.) Please list any equipment, materials, vehicles, etc. which you have that are associated with your business:

N/A

5.) Do you currently report your business equipment to your tax assessor for personal property tax?

N/A

6.) Number of Employees (please include yourself or other family members):

N/A

7.) Do you provide for off-street parking and if so, how many spaces?

Yes 3 on driveway / 2 in garage

8.) What do you intend to have for hours & days of operation?

N/A

9.) Traffic Counts: How many customers will be served at your business per day? N/A

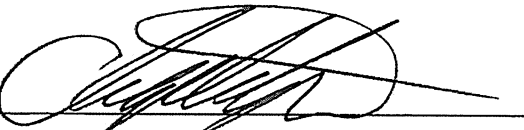
Deliveries per day? N/A

10) Have you prepared and submitted your **IMPACT STATEMENT** along with the rest of the application Materials?

11) Have you discussed your proposal with your neighbors?

✓ YES \_\_\_\_\_ NO

Signature



Date \_\_\_\_\_

Mailing Address: W8131 County Rd 2B, Onalaska






## ArcGIS Web Map



8/25/2022, 9:50:08 AM

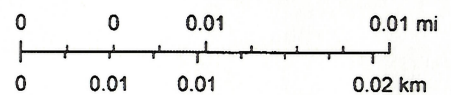
1:564

-  Municipal Boundaries Labels
-  Municipality Limits
-  Parcels

Owner Label

 Lakes & Rivers

Lake &amp; River Labels



La Crosse County



## **Conditional Use Permit – Facts and Other Issues – Be Prepared**

Changes in use of your property WILL affect the surrounding properties in one way or another. Impacts that you may not perceive can be brought up at your public hearing. To give you the best opportunity of obtaining your Conditional Use Permit you need to be prepared for everything.

- 1.) **Develop your proposal.** Figure out your business plan. What hours will you be open? How many employees do you anticipate? How many customers will visit you per day? Where will they park? What materials or equipment do you own and use for your business. Assume that no one knows anything about your business or whatever it is you are proposing.
- 2.) **Permits.** Include any other permits from other government agencies along with your permit application such as: Dept. of Transportation, Dept. of Commerce, Dept. of Natural Resources, other county departments, local township governments, etc. Include these even if all you have is a completed application form.
- 3.) **Seek professional help.** If vital to your application, consider consulting with professionals such as: surveyors, engineers, attorneys, etc.
- 4.) **Talk to your neighbors!!!** Tell them about your proposal before they receive a notice from the county in the mail. Ask them if they have any concerns and try to mitigate your proposal to help alleviate any issues your neighbors might raise.
- 5.) **Develop a good impact statement.** Ask yourself, "how will my proposal, if approved, affect the neighborhood?" Will your proposal increase the traffic on the road? Will you install added lighting to the property that may be offensive to any neighbors? Will your proposal cause any extra noise or noise pollution? Will your proposal create any dust, odors or emissions that may be of concern? Will there be waste generated on site and is it considered hazardous? How do you intend to dispose of any waste materials? A short questionnaire is included with your permit application which is intended to identify a few of the impacts which are consistent with almost all businesses. **You WILL also need to submit a detailed impact statement with your proposal. You will need to identify concerns which may be pertinent to your business and state how you intend to minimize those effects or concerns.**
- 6.) **Questions/Answers.** Try to think of every scenario and the questions that may be raised. Be prepared to have an answer to every question. What you think may be a routine answer to a question may be hard to understand for someone else.
- 7.) **Presentation.** Be prepared to give a good, thorough, professional and detailed presentation. Bring your notes. Bring pictures and drawings.
- 8.) **Town Government.** Contact the township in which you live. You will need the town to approve your proposal as well as the county. Town approval of a Conditional Use Permit is required. If possible, have the town review your proposal prior to the county public hearing. It is also beneficial to have Town approval prior to the county public hearing. Also, this gives other people a chance to review your plans and ask some questions that you may not have thought of.
- 9.) **Land Use Planning.** Check the town and county land use plans. If your proposal is not consistent with these plans, county staff will recommend "denial" of your proposal to the committee. If the land use plans need to be amended to allow your proposal, this may take additional time to do. If your proposal is consistent with the land use plans, you will have a better chance to succeed.

Don't rush your application. It is much better to take additional time to make sure your application is complete than to rush your application and miss a small detail that turns out to be a major issue during the public hearing. This could result in the committee recommending denial of your proposal. If your application is not complete, you will not be placed on the agenda for a public hearing. If your proposal is denied, you cannot re-apply for another year. In addition, the filing fee for the public hearing is non-refundable if your proposal should get denied. The LaCrosse County Zoning, Planning and Land Information Department staff will make a recommendation to the Planning, Resources and Development Committee regarding your permit request. This recommendation will be based on the Land Use Plan adopted by your Township and LaCrosse County. This recommendation can include conditions which may become part of your permit if approved by the committee. The committee may also add additional conditions if they deem necessary. You may want to consider this as part of your application and list some permit conditions that you find workable.



## IMPACT STATEMENT

The expected neighborhood impact of receiving a CUP for transient residential use for the premises described in this CUP application is minimal.

The expected frequency of rentals is 3 to 4 times per month for a minimum of 3 days at a time. The number of guests will be limited to 8.

The owner of the premises lives nearby and will be able check in frequently and ensure that the property is upkeep and maintained appropriately.

Significant time and expense has already been expended in performing repairs and maintenance on the property. There are no further planned changes to the lot, landscaping, and/or structures as they currently exist (It should be noted that the GIS imagery has not been updated to the present day and as such does not reflect certain improvements that have already been made). Routine maintenance and upkeep will be performed and any future changes to the premises will be within the "norms" of residential housing.

There is sufficient off street parking in both the driveway and the garage such that no vehicles would need to be parked on the street. No more than 2 or 3 vehicles are expected to be on the premises at any, which is comparable to other residences in the neighborhood. Keeping the number of vehicles on the premises in line with the rest of the neighborhood will also keep the traffic impact on the neighborhood minimal. Given the expected frequency of rental use, it is likely that the traffic impact cause by the premises will decrease compared to single family use.

The rental rules for the property require quiet hours to be observed from 10 pm until 8 am, so as to minimize any potential noise impact to be similar to any other residence in the neighborhood. Given the expected frequency of rental use and the expected timing of rental use (i.e., predominantly around the weekends), it is likely that the overall noise impact caused by the premises will decrease when compared to single family use.

**Town Board Meeting Minutes  
Tuesday, December 13, 2022**

Chairperson Stan Hauser called the Town Board Meeting to order on December 13, 2022 at 6:00 p.m. at the Town of Onalaska, Town Hall N5589 Commerce Road. Present: Stan Hauser, Frank Fogel, Sandy Thompson, Dave Balduzzi and Jerry Monti. Mary Rinehart, Administrator/Clerk-Treasurer was present. The Pledge of Allegiance was recited.

Motion to **approve agenda** by Fogel/Monti passed unanimously.

**Public Comment:** Gary Fischer, W7573 County Road ZB addressed the Board in opposition to short term rentals within residential neighborhoods citing safety and security of neighboring homeowners, potential decreased property values, and enforcement of restrictions/ordinances.

Dave Sura, W7533 County Road ZB addressed the Board in opposition to short term rentals within his neighborhood and advised he has had issues with non-permitted short-term rentals operating in his neighborhood. He reported brush issues, unattended camp fires, dogs and feces in his yard, tenant trespassing and looking in windows of his home, loud tenants, tenants publicly urinating on trees, family not wanting to visit due to the rental activity next door. Sura stated he did not call the police in fear of retribution. He indicated when he called Airbnb, he was offered a hotel room if he wanted to leave his home.

Dave Ford, W7501 County Road ZB, addressed the Board in opposition to issuance of permits for short term rentals indicating they are not included in the Master Plan. Ford advised this type of short-term rental offers a party atmosphere, people come and go at all hours, they have become loud and they are not easy to monitor. He cited concerns of possible drug and alcohol issues and that unattended open fires have been observed. These issues have become stressful for neighbors as it can place neighbors in an enforcement role. Ford stated he built his retirement home in a quiet neighborhood, followed all building and zoning codes for personal properties expecting the codes be applied to all properties in the neighborhood.

Rick Cornforth La Crosse County Board Supervisor representing a portion of the Town of Onalaska addressed the Board with concerns of short-term rentals based on contact he has had with Town residents. Cornforth indicated he has been contacted by elderly residents who are afraid in their homes, and raised the concerns of septic system design and inspection for adequacy related to the number of tenants in the rentals may affect water quality.

Ryan Wessel, Holmen owner of W7561 County Road ZB property being rented as a short-term rental indicated he has switched to a 3-night minimum rental at \$750 per night to help to stop the party atmosphere within the rental home.

**Correspondence:** Email in opposition of this application, from Constance Sura County Road ZB was read. Citing concerns of trespassing she has experienced by short-term rental renters.

Email relating to short-term rentals received from Lenore Knudson County ZB was read.

Stan Hauser reported on an email he received from a resident relating to a home fire on Forest Court.

County Board Report: Rick Cornforth La Crosse County Board Supervisor updated the Board relating to a Neighborhood Revitalization Grant for the improvement of blighted properties within La Crosse County. The County Board will be considering the allocation of ARPA funding on January 17, 2023. Cornforth advised of several staffing changes at the county level, including Charlie Handy as Community Development Manager, a new Community Development specialist and a new County Planner. The County Buildings are being retrofitted for solar installation.

Town Chairperson Report: Chairperson Hauser reported ARPA grant agreements will be signed soon. Rinehart reported the 2021 Audit has been completed and reports will be available at the January meeting. A letter from Addis Law offices regarding destruction of old legal files was read.

**Consent Agenda: (All items listed are considered routine or have committee recommendation and will be enacted on in one motion. There will not be separate discussion of these items unless a Board Member so requests, in which case the item will be removed from the Consent Agenda and be considered on the Regular Agenda) Approve minutes of November 15, 2022 meeting, approve bills and finance book including but not limited to resolution to reserve funds for future use.** Motion by Thompson/Balduzzi to approve all items listed on the consent agenda. Motion passed unanimously.

### **Regular Agenda Items**

#### **Items from the Plan Commission**

**Discussion regarding recommendation relating to Conditional Use Application (after the fact) for Christopher Vaaler to operate an AIRBNB from a residence at W7527 County Road ZB tax parcel 10-2139-0 and making recommendation to La Crosse County regarding the same:** Resident email indicating he was able to book this rental the morning of this meeting was read. Chris Vaaler spoke in favor of approval of the application. He advised the booking referenced in the email and indicated it would not have been approved as it was less than 30 days. Chairperson Hauser asked if anyone in attendance wished to speak in favor or opposition to this application. No-one spoke in favor. Gary Fischer spoke in opposition for the reasons previous identified. Fischer indicated this type of business is unacceptable within a residential community. As a business owner, he built a commercial building within commercially zoned area. Even if this application were to be approved and the owner followed conditions applied the safety concern is with the renters not the owner. Dave Ford spoke in opposition indicating he doesn't want properties to be devalued by this type of business and that approval of short-term rentals could be an incentive for residential property to become rentals. Ford indicated he believes this is not an appropriate use for the area and the expectation is that zoning laws guarantee it.

Rick Cornforth La Crosse County Board Supervisor addressed health and safety concerns of residents who have reached out to him. The large number of people related to sizing of septic systems and that both the applications on this agenda are after the fact applications. Enforcement conditions need to be addressed and the enforcement agent needs to be identified.

Email from Lenore Knudson was read.  
Ryan Wessel was included in the discussion.

Motion by Thompson/Fogel to follow the recommendation of the Plan Commission and take no action on the short-term rental applications (items 8 and 9) until both the Town of Onalaska and La Crosse County complete and codify ordinances relating to short term rentals, and that no additional Conditional Use permit applications for short term rentals be accepted until said ordinances are completed. Motion passed unanimously.

**Discussion regarding recommendation relating to Conditional Use Application (after the fact) for Ryan and Aaron Wessel, 1844 Main Street, Onalaska to operate an AIRBNB at residence at W7561 County Road ZB tax parcel 10-2132-0 and making recommendation to La Crosse County regarding the same:** No action. See previous item motion.

**Discussion regarding recommendation and make recommendation to La Crosse County regarding Variance application for Michael Dvorak to build a garage or carport within minimum setback of County Road Z at W7461 County Road Z tax parcel 10-2076-0:** Motion to follow plan commission recommendation to approve and to recommend to La Crosse County to approve the variance for Michael Dvorak to build a garage or carport within minimum setback of County Road Z at W7461 County Road Z tax parcel 10-2076-0. Motion passed unanimously.

**Discussion and possible action on recommendation regarding proposed Certified Survey Map for John Murphy N5463 Sobkowiak Road:** Motion by Thompson/Fogel to approve the Certified Survey Map for John Murphy N5463 Sobkowiak Road. Motion passed unanimously.

### **Items Relating to Public Works Department**

Shop report: Snow plowing has gone well. A seasonal part-time employee has agreed to help plow occasionally. We have 3 full time employees plowing. Shop lead Hank requested consideration of hiring a 4<sup>th</sup> full time employee or additional extra help. Hank indicated splitting the area east of Holmen into a second plow route would be helpful. The Toro mower has been sent for evaluation and service; Hank will report back when the report is available. Equipment needs moving forward: the sweeper needs radiator repair/replacement and a purchase of a mower attachment for the skid steer would be beneficial for the stormwater ponds. Maintenance is up to date on all trucks.

Discussion regarding purchase of sander attachment(s): Upon investigation Hauser indicated the identified attachment is not compatible with current Town equipment. No action.

### **Items Relating to Public Safety**

Holmen Area Fire Board Report: The next meeting is December 20, 2022. Reminder as of January 1, 2023 the Town will be covered by the City of Onalaska Fire Department.

### **Items Relating to General Government**

Discussion relating to updating of Town of Onalaska fee schedule: Current fee schedule and ordinances reference was presented to the Board. No action.

Board Member Comment on items to be added to next Town Board agenda: No additional items identified.

Motion to adjourn by Monti/Balduzzi passed unanimously at 8:29 pm.

Respectfully submitted,  
Mary Rinehart  
Administrator/Clerk-Treasurer





**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, ST. PAUL DISTRICT  
LA CRESCENT FIELD OFFICE, ENVIRONMENTAL STEWARDSHIP  
1114 SOUTH OAK STREET  
LA CRESCENT, MN 55947

JANUARY 30, 2023

Re: Public Hearing for Conditional Use Permit No. 1212

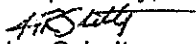
La Crosse County Zoning Office  
Administrative Center, Room 1300  
212 6<sup>th</sup> Street North  
La Crosse, WI 54601

Dear Zoning Department,

I am writing this letter in response to the proposed conditional use permit hearing for owner Christopher Vaaler, for his property located at W7527 County Road ZB in the Town of Onalaska. As a representative of the adjacent Federal property ownership, and responsible for the land use restrictions and overall management, I would like to bring a few issues to your attention. In case you are not aware, Federal ownership of approximately 5 miles of shoreline along Brice's Prairie is outgranted to the Town of Onalaska for local management. Of particular interest to both parties is the policy and procedures involved with the shoreline management program. This program allows for private use of a portion of public property for recreation purposes. Items such as docks, utility sheds and steps, if needed, are examples of items regulated under this program. These items are private property. We have received several phone calls at my office in the past year regarding unknown individuals trespassing onto or into these private property structures. This scenario is not unique to Mr. Vaalers property but seems to be more widely associated with multiple short term rental facilities in the area. My office has received several phone calls from residents stating that constant turnover of unknown persons in the neighborhood is unnerving and that noise complaints are common. We have no authority governing these activities, but it takes time away from staff to listen to the complaints. Although tree trimming and or removal may be allowed, a few large trees were taken down without permission at this property. In addition, burning of limbs or other vegetative "waste" around nearby trees has resulted in additional mortality to trees beyond an area of land that aligns with this parcel i.e. outside of what one would consider an extension to the lot. In this same vein, portions of dock materials believed to be associated with this property have been placed into the neighbor's space. I believe the Town of Onalaska could use some time to develop better guidelines for their shoreline management program in relation to short term rentals and the commercial aspects of use. One example pertains to structural safety aspects of permitted stairs and docks and any code requirements that may be needed to provide visitor safety as well as owner protections.

At this time, I would encourage the board to not issue the permit. I think there needs to be more discussion about the appropriate business use within the residential areas, the number of visitors allowed per use, the number or frequency of rental use, and conditions for noise abatement for all the neighbors. I believe these items, and probably more would apply to all proposed and approved short term rentals not just for Mr. Vaaler. I appreciate the opportunity to comment on this proposal.

Respectfully,

  
Jon Schultz  
Environmental Section Manager  
Recreation and Natural Resource Branch  
US Army Corps of Engineers

**Aaron Lacher**

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**From:** Brock Tokach  
**Sent:** Wednesday, January 18, 2023 8:35 AM  
**To:** Aaron Lacher  
**Subject:** FW: W7527 County Road ZB yet available as short-term rental

Sincerely,

**Brock Tokach**

Land Use Specialist  
La Crosse County Zoning Department  
212 6<sup>th</sup> St North, Suite 1300  
La Crosse, WI 54601  
608-785-5744  
[btokach@lacrossecounty.org](mailto:btokach@lacrossecounty.org)

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**From:** David Sawvell <[dsawvell@lacrossecounty.org](mailto:dsawvell@lacrossecounty.org)>  
**Sent:** Wednesday, January 18, 2023 7:23 AM  
**To:** Carol Engle-Drury <[cdrury@lacrossecounty.org](mailto:cdrury@lacrossecounty.org)>; Lindsay Neitzel <[lneitzel@lacrossecounty.org](mailto:lneitzel@lacrossecounty.org)>; Megan Watters <[MeWatters@lacrossecounty.org](mailto:MeWatters@lacrossecounty.org)>; Sam Welch <[swelch@lacrossecounty.org](mailto:swelch@lacrossecounty.org)>  
**Cc:** Mary.rinehart@townofalaska.org; Brock Tokach <[btokach@lacrossecounty.org](mailto:btokach@lacrossecounty.org)>  
**Subject:** RE: W7527 County Road ZB yet available as short-term rental

Checked the septic on this address U-375 pre-1969, La Crosse County Health Department could not establish a per capita on an unknown system capacity. Septic replacement would be part of any licensing or CUP.

*David W. Sawvell*

Senior Registered Sanitarian  
La Crosse County Health Department  
(608)785-9726 Fax (608)793-6565  
Cell (608)780-9011  
[dsawvell@lacrossecounty.org](mailto:dsawvell@lacrossecounty.org)

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**From:** Carol Engle-Drury <[cdrury@lacrossecounty.org](mailto:cdrury@lacrossecounty.org)>  
**Sent:** Tuesday, January 17, 2023 9:20 PM  
**To:** Megan Watters <[MeWatters@lacrossecounty.org](mailto:MeWatters@lacrossecounty.org)>; Humphrey Sichone <[hsichone@lacrossecounty.org](mailto:hsichone@lacrossecounty.org)>; David Sawvell <[dsawvell@lacrossecounty.org](mailto:dsawvell@lacrossecounty.org)>  
**Subject:** Re: W7527 County Road ZB yet available as short-term rental

Megan, I need this one to go to Lindsay. Thanks.  
Carol

Get [Outlook for iOS](#)

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**From:** Megan Watters <[MeWatters@lacrossecounty.org](mailto:MeWatters@lacrossecounty.org)>  
**Sent:** Tuesday, January 17, 2023 3:39:34 PM  
**To:** Humphrey Sichone <[hsichone@lacrossecounty.org](mailto:hsichone@lacrossecounty.org)>; David Sawvell <[dsawvell@lacrossecounty.org](mailto:dsawvell@lacrossecounty.org)>; Carol Engle-Drury <[cdrury@lacrossecounty.org](mailto:cdrury@lacrossecounty.org)>  
**Subject:** FW: W7527 County Road ZB yet available as short-term rental

Attached is an email that I received from zoning in regards to an Airbnb that does not have their conditional license. I see they are not licensed through the Health Dept. as well. Humphrey I have assigned this to you.

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**From:** Gary Fischer <[rptdc@live.com](mailto:rptdc@live.com)>  
**Sent:** Wednesday, January 11, 2023 4:18 PM  
**To:** Mary.rinehart <[mary.rinehart@townofonalaska.org](mailto:mary.rinehart@townofonalaska.org)>  
**Cc:** Brock Tokach <[btokach@lacrossecounty.org](mailto:btokach@lacrossecounty.org)>  
**Subject:** W7527 County Road ZB yet available as short-term rental

Hello Ms. Rinehart,

Attached is a screenshot **taken today** of the Airbnb site. Please note that property W7527 County Road ZB, Onalaska, WI, is yet available as a short-term rental. As you can see one would be able to rent it January 12th through January 19th, 2023.

This was the same point I made in my email to the town prior to a fairly recent Town of Onalaska planning commission meeting. At that meeting I pointed out similarly that this property evidently did not cease to make itself available as a short-term rental. It's availability as a short-term rental appears to now continue without a conditional use permit in place.

Gary Fischer  
W7573 County Road ZB  
Onalaska WI 54650

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**Aaron Lacher**

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**From:** Kathleen Stewart  
**Sent:** Monday, January 30, 2023 4:07 PM  
**To:** Aaron Lacher  
**Subject:** FW: conditional use permit

I have printed the following to be read into record.

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**From:** lacrosseinspection@gmail.com <lacrosseinspection@gmail.com>  
**Sent:** Monday, January 30, 2023 4:04 PM  
**To:** Kathleen Stewart <kstewart@lacrossecounty.org>  
**Subject:** conditional use permit

Kathleen Stewart,  
I would like the enclosed statement, regarding short term rentals, to be read into the minutes of the January 30, 2023 LaCrosse County Planning meeting.

My wife and I have lived at our lake house on Brice Prairie for over 18 years to enjoy the safety of the area and the peace and quiet. Recently our neighboring house was purchased for the use as a VRBO for short term rental. Since that time we have experienced varying levels of noise of party goers numbering from 12 to 20 people. We have experienced karaoke on the back deck at midnight, front yard parties with speaker music, just to name a few. We live with deck lighting on a wrap around deck that is left on all night, which lights up homes and back yards of both neighbors. Their deck lights shine into our bedroom resembling day light all night.

Basically it is constant commotion and noise all week.

In addition we have grandchildren playing in our yard with the neighbors partying all afternoon and we don't know who these people are. We are concerned for their safety. We do know there are no background checks on these individuals, and we are concerned for the safety of our children; and for that matter of our home when we are not present.

These are residential homes with families. We did not invest in our home to have a commercial enterprise set up right next door which will have a direct effect on the future value of our property.

We are against any conditional use permits which allows short term rental within our residential neighborhood.  
Steven and Helen Lethlean  
W7555 CR ZB

Sent from [Mail](#) for Windows

**Aaron Lacher**

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**From:** Constance Sura <csura1958@charter.net>  
**Sent:** Thursday, January 5, 2023 11:08 AM  
**To:** Zoning  
**Subject:** Re: Airbnb

Sent from my iPhone

> On Jan 5, 2023, at 11:01 AM, Constance Sura <csura1958@charter.net> wrote:

>

> Hi! This is David and Constance Sura. We live at W7533 County Road ZB. Our house is right next to Chris Vaaler. He is petitioning to rezone and applying for a conditional use permit at W 7527 County Road ZB. This is a big serious problem and should be denied because of the following reasons:

>

> -Because of loud parties- two people will come and later 14 cars and 43 people were there .

> -Because the guests bring dogs which comes on our lawn and poops.

> -Because the guests trespassed on my property to use our steps to go down to the lake which is a safety and liability issue.

> -Because I saw a person urinate on my oak tree and he was looking inside our screened in porch which we keep many summer items and wood in .

> -Because why should I have to police this problem?

> -Because our Grandkids cannot play in yard due to them being safe. We do not know who the people are and no background information. We do not feel safe.

> -Because we can't set in our screened in porch to watch tv because it's to loud over there.

> -Because Chris's house is so close to ours and our lots are narrow.

> -Because it's to loud should I call the police because maybe the guests will retaliate?

> -Because Chris has outside lights that reflect directly into our porch, kitchen, and living room.

> -Because there is a fire pit there which gives off a terrible smell and is hazardous. The fire is left unattended which is a big concern since our house is close.

> -Because guests pay around 500.00 per night and so no respect for the neighbors .

> -Because having a hotel in a residential area makes our home less valuable. We have lived here for 27 years.

> -Because no rules, laws and mandates will solve these problems.

> -Because the only way to solve these problems is not to have the people here.

> -Because he put a fence up and didn't put it as we agreed. We have lost our beautiful view. We were not even told he was building a airbnb.

>

> The best thing to do is to deny his application!

>

> We appreciate the time you took to read our concerns! We have a friendly family neighborhood. We have never had any problems or concerns in the 27 years we lived here. We hope to maintain this neighborhood the way it was when there wasn't an Airbnb. If you have any questions, please call 715-797-7142.

>

> Sincerely,

>

>

>

> David and Constance Sura



~~Aaron Lacher~~

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>

> Sincerely,

>

>

>

> David and Constance Sura

This should not be happening; This is a Bad idea; Not a good Business practice. Should Deny Chris Vester application, Then here are some solutions for rest of airBNB in the County.

- x 100' distance from Lot Line to neighbor houses
- x Landlord reports to administrator, Names, Driver License, how many People, Length of stay where from, phone Numbers
- x 500 fine unattended fire pit, or have No fire pit at all
- x 500 fine Trespassing
- x 500 fine Noise
- x 500 fine Parties
- x 500 fine Dogs or call animal control
- x 500 fine Exceeding more than 2 guest
- x No short Term Rental
- x No commercial zoning, Keep it Residential.
- x Owner shall occupy Resident 6 month out of year
- x No Lighting shining in neighbors house and Yards
- x Big safety issue to address
- x Big Liability
- x property Value down
- x Retraite fears
- x Enforcement, police? to get problem solved immediately
- x Lot size, Sewer Regulations



This is pictures I took of christopher  
Vanler at W7527 CR ZB Shoreline.  
He cut Big tree, dropped it into Lake,  
cut some Limbs, chunks of logs, pushed it  
farther out into Lake on a logskid. Also Big Bogs  
pushed out, Roped it, dragged it out into  
Lake with Boat, which all floated down to  
Spillway for some Boats to hit it all,  
he did not care!!

Dave SUBA 715-777-7142

