

**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 6TH ST N, LA CROSSE, WI 54601 on January 30, 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.

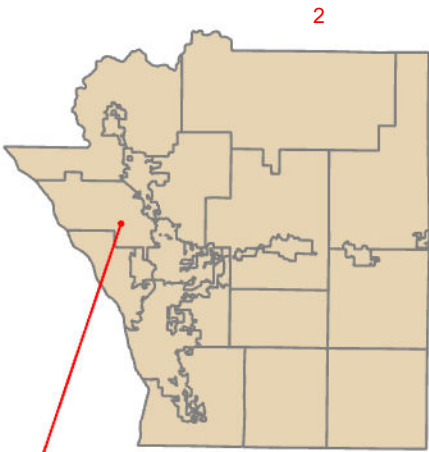
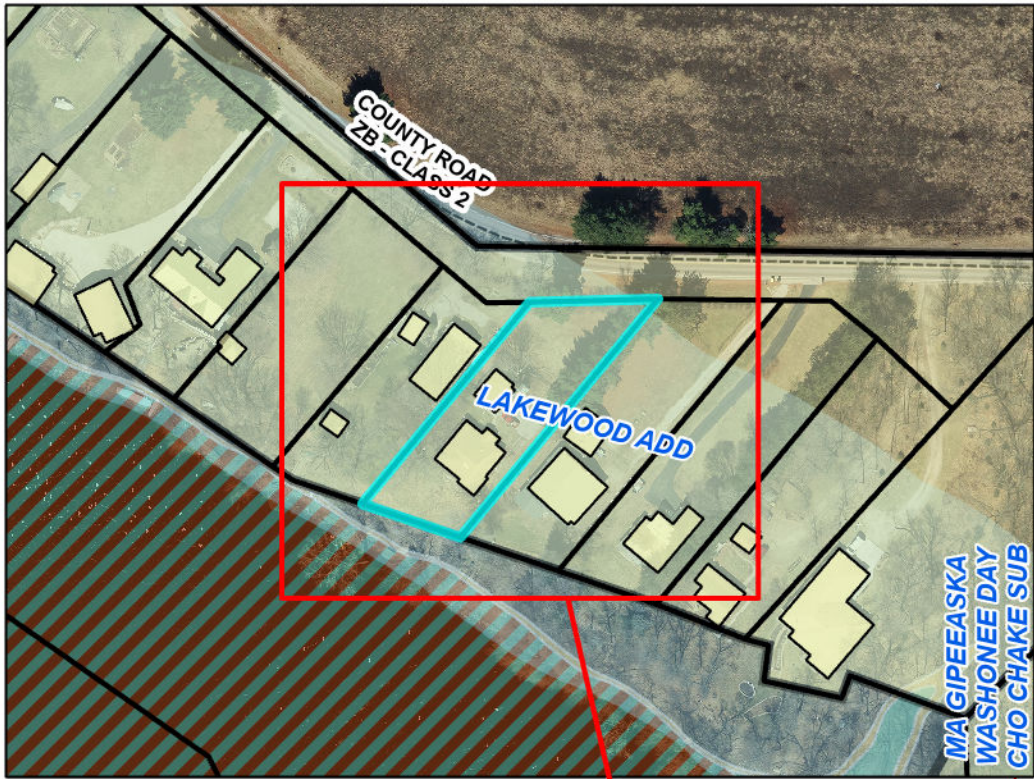
Dated: Thursday, January 19, 2023

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 6th 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: 1/30/2023

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

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).

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."

One written comment was received from the public in opposition to the application (enclosed).

Proposed Findings

1. 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 the following substantial evidence involving code enforcement cases on four properties owned by the applicant, one of which is the subject of his current application. Included below are the notes the County compiled during the enforcement cases.
 - 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. 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.
2. 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.

Proposed Conditions

Should the Board make a favorable recommendation, staff recommend the following conditions:

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 use shall occur on a lot that satisfies all applicable current zoning dimensional standards.
4. The Permittee shall contact La Crosse County Environmental Health and implement any requirements per their ordinances.
5. The Permittee shall contact the Town Building Inspector and implement any requirements per their ordinances.
6. 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 Count Environmental Health Department.
7. Refuse shall not accumulate on the site.
8. This permit is nontransferable.
9. Tents, recreational vehicles, and other means of overnight stay are prohibited.
10. This conditional use permit is contingent upon approval by the Town of Onalaska and does not become effective until the Town approves same. Conditions imposed by the Town as part of approval are incorporated herein, except for conditions related to the term of the permit.
11. This permit shall expire April 30, 2023, 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.
12. 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.
13. Parking facilities shall be provided on the property and shall not be located within the road right-of-way.
14. All activities authurized by this permit shall be conducted so as not to constitute a nuisance to uses already authorized in the area.
15. 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 repond to concerns promptly.
16. Property lines boundaries shall be clearly marked, and the permittee shall ensure occupants do not enter neighboring properties.



HALE SKEMP
HANSON SKEMP & SLEIK
ATTORNEYS & COUNSELORS AT LAW

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*

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

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

: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

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

CLASS

____ Acres Woods

____ 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.**

| | | |
|--|---|---|
| <p>12-12-22 7^{PM} 6^{PM} Planning Commission Meeting Date</p> | <p>12-13-22 Town Board Meeting Date</p> | <p>Mary Burefort Authorized Town Signature (Printed Name)</p> |
|--|---|---|

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 3rd Thursday of each month.

Applicant

Date

White Copy-Applicant Yellow Copy-File

Rev. 5/23/12 (S/Zoning Department Files/Forms Zoning/Zoning/Form-Conditional Use Permits & Petitions to Rezone)

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. Vuoder
(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

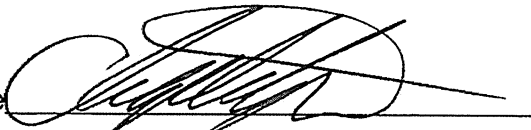
Deliveries per day? N/A

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

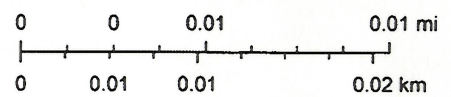
1:564

- Municipal Boundaries Labels
- Municipality Limits
- Parcels

Owner Label

 Lakes & Rivers

Lake & 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 4th 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

Aaron Lacher

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:

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> -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 too loud over there.

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

> -Because it's too 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 an 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,

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> David and Constance Sura