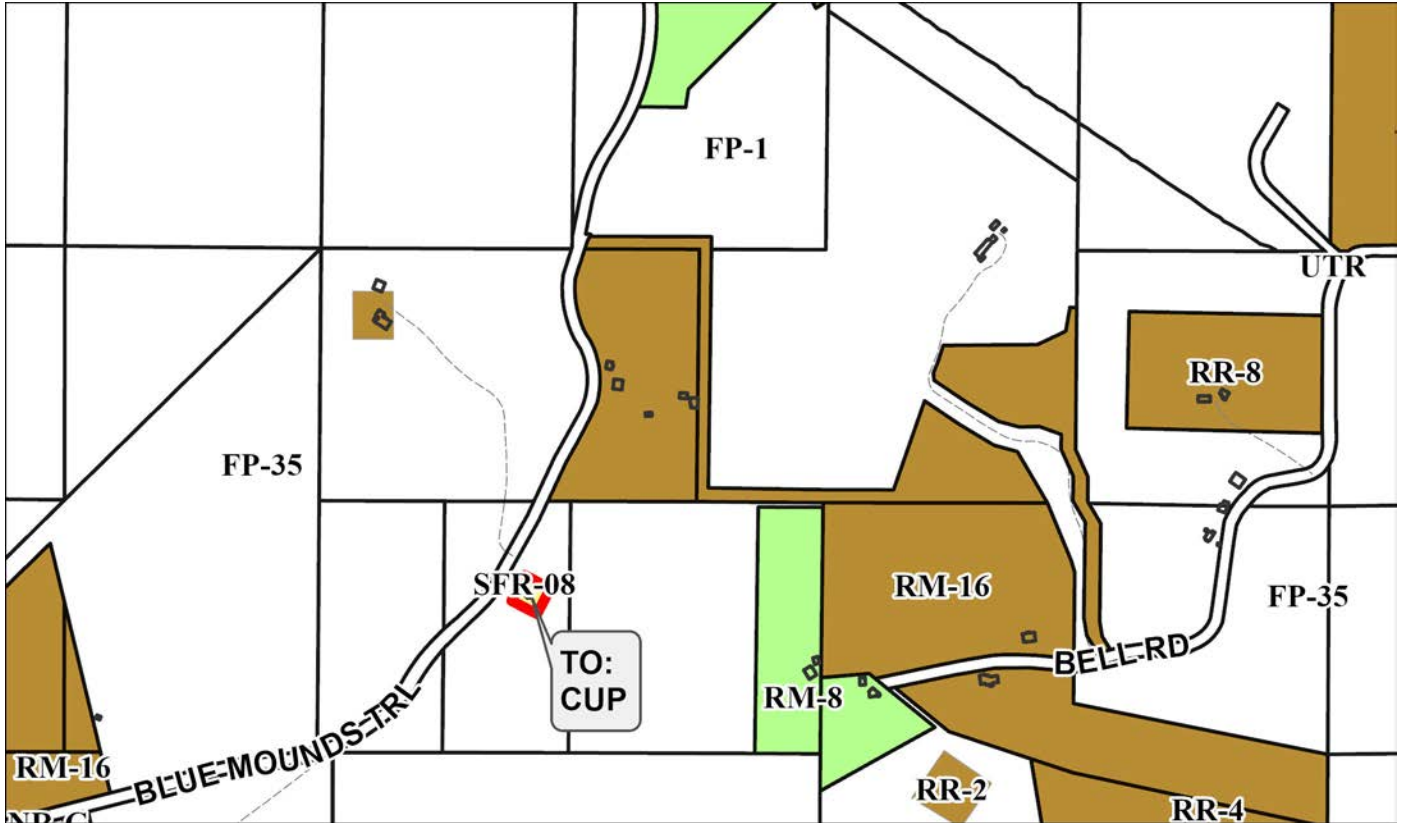


<p><b>Staff Report</b></p>  <p><b>Zoning &amp; Land Regulation Committee</b></p>	<p><u>Public Hearing:</u> <b>June 18, 2024</b></p> <p><b>Report updated for the July 9<sup>th</sup> ZLR Committee meeting</b></p>	<p><b>Conditional Use 02618</b></p>
	<p><u>Zoning Amendment Requested:</u></p> <p><b>TO CUP: Transient or tourist lodging (short-term rental)</b></p>	<p><u>Town, Section:</u></p> <p><b>VERMONT, Section 16</b></p>
	<p><u>Size:</u> <b>0.5 Acres</b></p> <p><u>Reason for the request:</u></p> <p><b>Transient or tourist lodging (short-term rental)</b></p>	<p><u>Applicant:</u></p> <p><b>SEVERSON RIDGE LAND LLC (DAVID DYBDAHL JR)</b></p>
	<p><u>Survey Required:</u></p>	<p><u>Address:</u></p> <p><b>4200 BLUE MOUNDS TRAIL</b></p>



**DESCRIPTION:** David Dybdahl Jr requests a conditional use permit for transient or tourist lodging, in order to occasionally rent out his existing two-bedroom home for short-term rentals. The residence is a former family home; another family member lives across the road. The intent is to rent it out occasionally as it is located near Tyrol Basin and trout fishing and hunting areas. The request is for up to 6 guests.

**OBSERVATIONS:** The property is in residential and agricultural use and is over 45 acres in size. The neighboring land uses are agricultural, rural residential and woodland or open space on all sides. The nearest home to this residence is roughly 1,100 feet away to the north; other homes are at least 1,500 feet away.

**COMPREHENSIVE PLAN:** The *Town of Vermont / Dane County Comprehensive Plan* allows for “small commercial enterprises” allowed as permitted or conditional uses in SFR and RR zoning districts. Such uses must:

- Be compatible with the rural character and natural beauty of the town.
- Create minimal conflict with neighbors.
- Use minimal or no productive agricultural land and minimum land area to accommodate the use.

Appropriate conditions on maximum occupancy, sanitary system capacity and outdoor noise levels may be necessary for consistency with the plan criteria described above. *(For questions about the town plan, contact Senior Planner Brian Standing at (608) 267-4115 or standing.brian@danecounty.gov.)*

**RESOURCE PROTECTION:** There are no sensitive environmental features on or within 300 feet of the subject property.

**CONDITIONAL USE PERMIT DECISION MAKING:** “Conditional uses” are those land uses which, because of unusual nature and potential for impacts on neighboring lands, public facilities, the environment or general welfare, warrant special consideration and review.

Prior to granting or denying a conditional use, the zoning committee shall make findings of fact based on evidence presented and issue a determination whether the proposed conditional use, with any recommended conditions, meets all of the standards required to obtain a conditional use permit. Below is the list of the applicable standards from Section 10.101(7)(d) of the Zoning Code, and a summary of the relevant facts including the applicant’s testimony with regards to meeting the standards.

**1. *That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.***

The CUP application describes the proposed operations plan. The applicant states that it is a single family home and it will not be changed. The maximum number of guests would be 6. A housekeeper would keep up the home and grounds, and clean between guest rentals.

All short term rentals must be licensed through Public Health Madison & Dane County (PHMDC) and inspected annually to verify the operation meets all requirements of Wisconsin law related to general public health. The applicant has applied for a PHMDC license.

**2. *That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.***

The applicant states that the property will continue to have the same use.

The proposal does not include specific provisions on “house rules”, quiet hours, or prohibitions on things such as parties or pets. Some or all of these things could be conditions of approval for the CUP, if there is a concern at the town about disturbance to neighbors. Compared to many short-term rentals, this home is more isolated from neighbors with the nearest residence roughly 1,100 feet away to the north and other homes (including a family member of the owner) at least 1,500 feet away in any direction.

**3. *That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.***

The applicant states that the property sits on 50 acres and the nearest residence is ¼ mile away.

This standard pertains to whether the proposed conditional use would affect *how the surrounding properties could be developed and improved, considering what they are currently zoned for*. This property and most of the surrounding properties are in agricultural and rural residential use. The FP-35 zoning on much of the surrounding land means the development potential in this area is limited. The use of the home for short-term rentals is not expected to impede development of surrounding land.

**4. *That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.***

The applicant states that there is a 2-year old mound septic system and a well from 1980. The septic system is sized for 4 bedrooms/8 adults. There is an off-lot septic easement because it extends onto the FP-35 zoned land surrounding the residential lot. The utilities, access roads, drainage, and other improvements needed for the proposed use are already in place and are adequate.

**5. *That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.***

Off street parking is provided for the property by a driveway that is at least 12 feet wide and over 100 feet long, as well as an attached garage. The applicant states that there will be no additional traffic, and provided dimensions for the existing driveway in the application.

**6. *That the conditional use shall conform to all applicable regulations of the district in which it is located.***

The proposed use conforms to the applicable regulations of the SFR-08 zoning district. Transient or tourist lodging is an allowable conditional use in the zoning district.

**7. *That the conditional use is consistent with the adopted town and county comprehensive plans.***

As noted above, the proposal appears consistent with the Town and County Comprehensive Plans.

**8. *If the conditional use is located in a Farmland Preservation Zoning district, the town board and zoning committee must also make the findings described in s. 10.220(1).***

Technically this standard is not applicable, since the home is located on a separate lot zoned SFR-08. However, the applicant addressed these standards, indicating there is no change from the current use, there is no expected impact to the surrounding agricultural lands, and no construction is proposed.

**POTENTIAL NUISANCES ASSOCIATED WITH THE CONDITIONAL USE:** The potential nuisances that pertain to short-term rentals most likely involve noise, vehicle traffic, and sanitary waste management. The CUP application addresses how these potential nuisances are handled as noted above. In addition, potential conditions of approval specific to this CUP can be developed after public input and deliberation by town and the ZLR Committee. Under Dane County Zoning Ordinance section 10.103, there are no other special requirements for short-term rental operations.

**JUNE 18<sup>TH</sup> ZLR HEARING:** On June 18, 2024 the ZLR Committee held a public hearing on the proposed CUP and postponed action on the petition to allow time for town action, in accordance with the committee's adopted rules and procedures. No one spoke in opposition to the proposal, and no additional information was requested.

**TOWN ACTION:** Pending – town action is anticipated on July 8<sup>th</sup>.

**STAFF RECOMMENDATION (updated for July 9th):** Staff believes that the applicant has provided sufficient evidence to address the CUP standards and mitigate the potential concerns. This includes the relatively small size of the home, the provision of adequate parking and septic capacity, and the surrounding land uses with ample space between residences which are expected to minimize the potential for negative impacts. The town has yet to act and may impose conditions such as a maximum number of guests, quiet hours, restrictions on noisy activities such as fireworks or ATV use, and/or setting an expiration date for the CUP if they deem it necessary.

Pending the town review and action, and any conditions they may impose, staff recommends that the ZLR Committee make findings of fact that the proposal satisfies the standards for approval of a CUP and that the application be approved subject to the following conditions. Note that the conditions below reflect the general conditions that apply to all CUPs as well as some that reflect the specifics of this proposal.

***CUP 2618 Potential Conditions of Approval:***

***Standard Conditions for all Conditional Use Permits from 10.101(7):***

1. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
2. New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Commercial Building Code or Uniform Dwelling Code.
3. The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.
4. Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.
5. Existing onsite wastewater sewage disposal systems, if any, serving the conditional use must be inspected by a licensed plumber to determine its suitability for the proposed or expanded use. Deficient systems must be brought, at the owner's expense, into full compliance with the current requirements for new development of the state plumbing code and Chapter 46, Dane County Code.

6. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
7. Off-street parking must be provided, consistent with s. 10.102(8).
8. If the Dane County Highway, Transportation and Public Works Department or the town engineer determine that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be borne by the landowner. Costs borne by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.
9. The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.
10. The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours.
11. Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit.

*Conditions specific to CUP # 2618:*

12. Landowner will apply for, obtain and maintain an appropriate transient or tourist lodging rental license from Madison/Dane County Department of Public Health.
13. The rental shall be limited to 6 overnight guests.

Please contact Rachel Holloway at (608) 266-9084 or [holloway.rachel@danecounty.gov](mailto:holloway.rachel@danecounty.gov) if you have questions about this petition or staff report.