CITY OF LA CROSSE

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LEGISLATION STAFF REPORT FOR COUNCIL

File ID: 23-1003

Caption: Resolution approving a professional services agreement with MSA to review policies and ordinances for compliance with 2017 Wisconsin Act 67.

Staff/Department Responsible for Legislation

Lewis Kuhlman / Planning, Development, & Assessment

Requestor of Legislation

Andrea Trane

Location, if applicable

Not applicable

Summary/Purpose

The purpose of this resolution is to approve a professional services agreement with MSA to do a study on the conditions the City imposes for conditional use permits to ensure that they are in compliance with 2017 Wisconsin Act 67. Since there is already funding allocated for this study, there wouldn't be a need for a resolution. However, the consultant is requesting a modification to the City's Standard Terms and Conditions, so that is why the common council needs to take action.

Background

Planning staff is looking for guidance on conditions to use in the future and staying within State statutes. In 2017, Wis Stats. 62.23 (7) (de) 2. a. was changed to require that in conditional use permits (CUPs), “Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.” Wis. Stats. 62.23 (7) (de) 1. b. defines substantial evidence as “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.”

Fiscal Impact

Up to $50,000. The source of funds is the Planning, Development, & Assessment Department budget.

Staff Recommendation

Approval - the modification to the Standard Terms and Conditions is minor and reasonable.