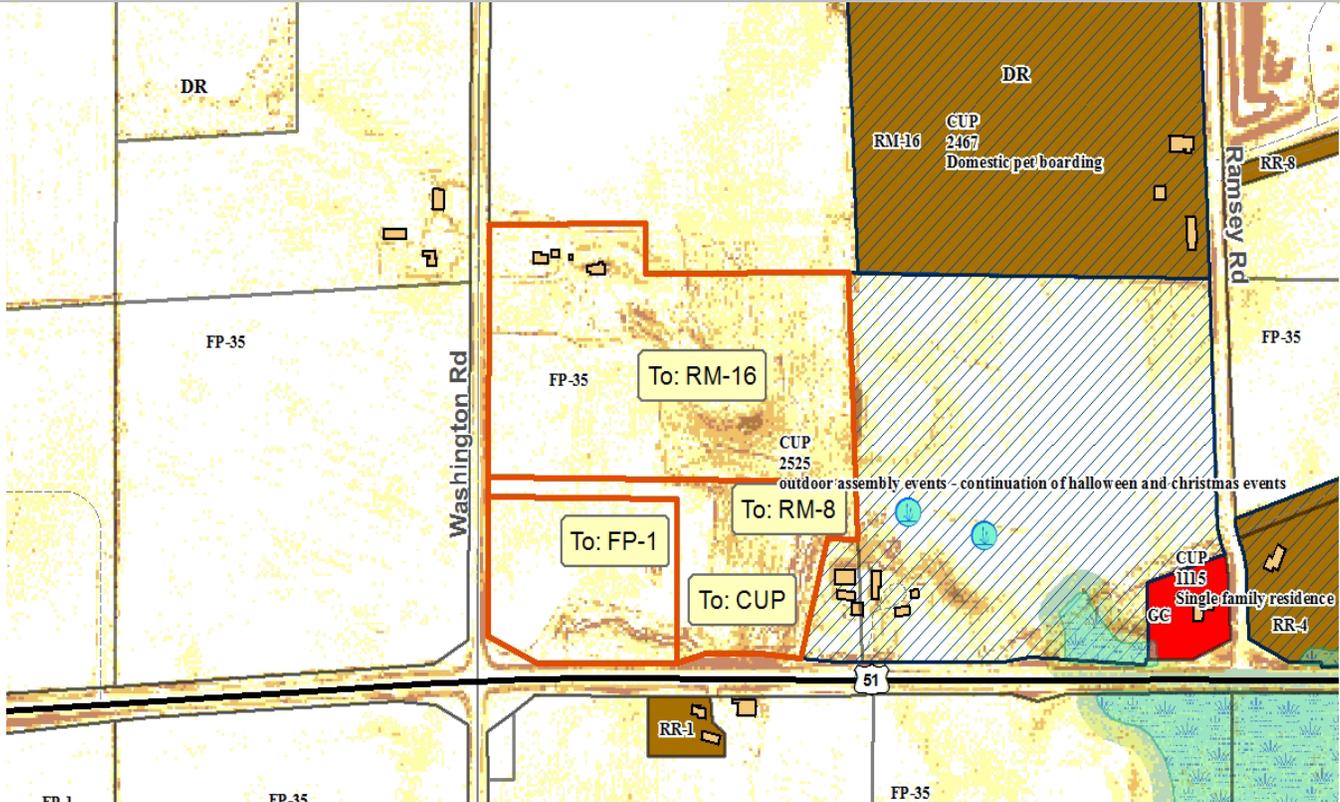


<p>Staff Report</p>  <p>Zoning and Land Regulation Committee</p>	<p>Public Hearing: May 24, 2022</p>	<p>Petition 11833</p>
	<p>Zoning Amendment Requested: TO CUP: Transient and Tourist Lodging</p>	<p>Town/Section: ALBION, Section 6</p>
	<p>Size: 8.35 Acres Survey Required. Yes</p>	<p>Applicant JOSHUA & KERSTIN MABIE</p>
	<p>Reason for the request: Transient and Tourist Lodging</p>	<p>Address: 1390 WASHINGTON ROAD</p>



DESCRIPTION: Owners are requesting approval of a Conditional Use Permit (CUP) for “transient and tourist lodging” (short term vacation rental). Proposal would be to rent a future home to be constructed on the 8.35 acre proposed RM-8 parcel (see related [petition 11833](#)) for short term periods.

OBSERVATIONS: Current land uses of the property are rural residential, agriculture, and open space / woodland. Surrounding land uses are agriculture, open space, and rural residential. Heartland Farm Sanctuary is located on the ~40 acre parcel adjoining to the east. The closest neighboring residence is approximately 500’ away from the buildable area of the proposed parcel. No sensitive environmental features observed. Access to the RM-8 parcel would be via Washington Road.

TOWN PLAN: The property is located in the town’s agricultural preservation area.

RESOURCE PROTECTION: No resource protection areas located on the property.

STAFF: The applicants own Pied Beauty Farm, which includes a developing 230 tree organic apple orchard, beekeeping, flowers, and Christmas trees. The applicants propose to construct a residence on the new RM-8 lot and are requesting approval of a Conditional Use Permit for Transient & Tourist Lodging under CUP 2564. The farm owners indicate that income from the house rental would help the farm stay viable as the orchard matures over the next 7-10 years and

planned cider production commences. Applicants propose to offer the short term rental as an “agri-tourism” extension of their farm operation. See attached farm operation summary.

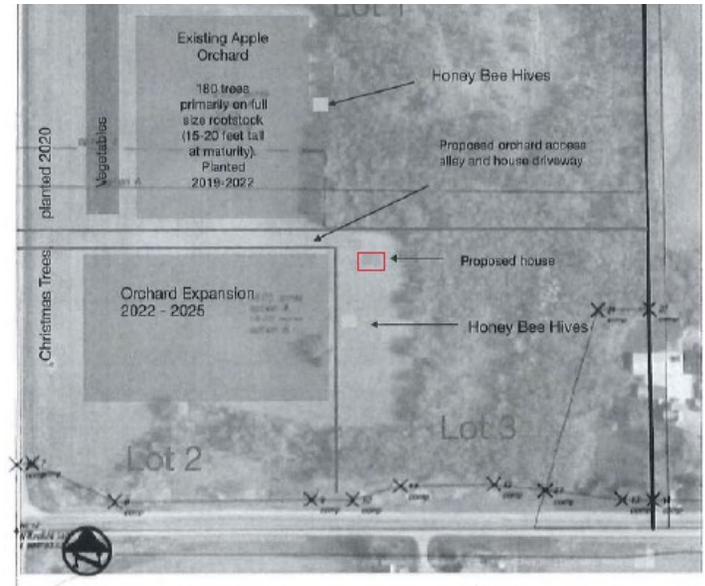
Transient or tourist lodging is listed as a conditional use in the RM-8 zoning district. State statutes allow for the short term rental of residences for periods of 1 week or longer. Local governments may require a permit to be obtained, but may only limit rentals to no less than 180 days (either consecutive or non-consecutive) in any consecutive 365 day period. Local governments may also enact licensing ordinances.

Typical concerns related to short term rentals are disruptions to neighboring residents in the form of increased traffic and noise generated by transient guests. Given that the subject property is located in a sparsely populated rural area, with significant distance to the nearest neighboring residences, such concerns are unlikely to arise.

The town approved the CUP with no conditions.

Pending any concerns raised at the ZLR Committee public hearing, staff recommends approval of the petition with the following conditions:

1. The conditional use permit shall expire upon the sale of the property.
2. Occupancy shall be limited to no more than two adult guests for each bedroom in the residence.
3. If the landowner provides to the zoning administrator a sanitary system inspection report, completed by a licensed plumber, which shows the sanitary system is capable of adequately handling the additional demand, occupancy limits may be increased. Under such circumstances, occupancy shall be determined by the capacity of the sanitary system.
4. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
5. 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 Uniform Dwelling Code.
6. 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.
7. The transient and tourist lodging operation must obtain and continue to maintain a short-term rental license approved by the Dane County Division of Environmental Health. The use must also comply with all other 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.
8. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
9. Off-street parking spaces must be provided, consistent with [s. 10.102\(8\)](#) (one per bedroom).
10. 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.
11. 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.



12. The owner must post, in a prominent public place and in a form approved by the zoning administrator, a placard with the approved Conditional Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the Dane County Zoning Division.
13. 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.
14. 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. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation. If any use allowed by an approved conditional use permit is abandoned for one year or more, the associated conditional use permit shall be terminated. Future re-establishment of an abandoned conditional use shall require approval of a new conditional use permit.

Any questions about this petition or staff report, please contact Majid Allan at (608) 267-2536 or allan@countyofdane.com

TOWN: Approved.