
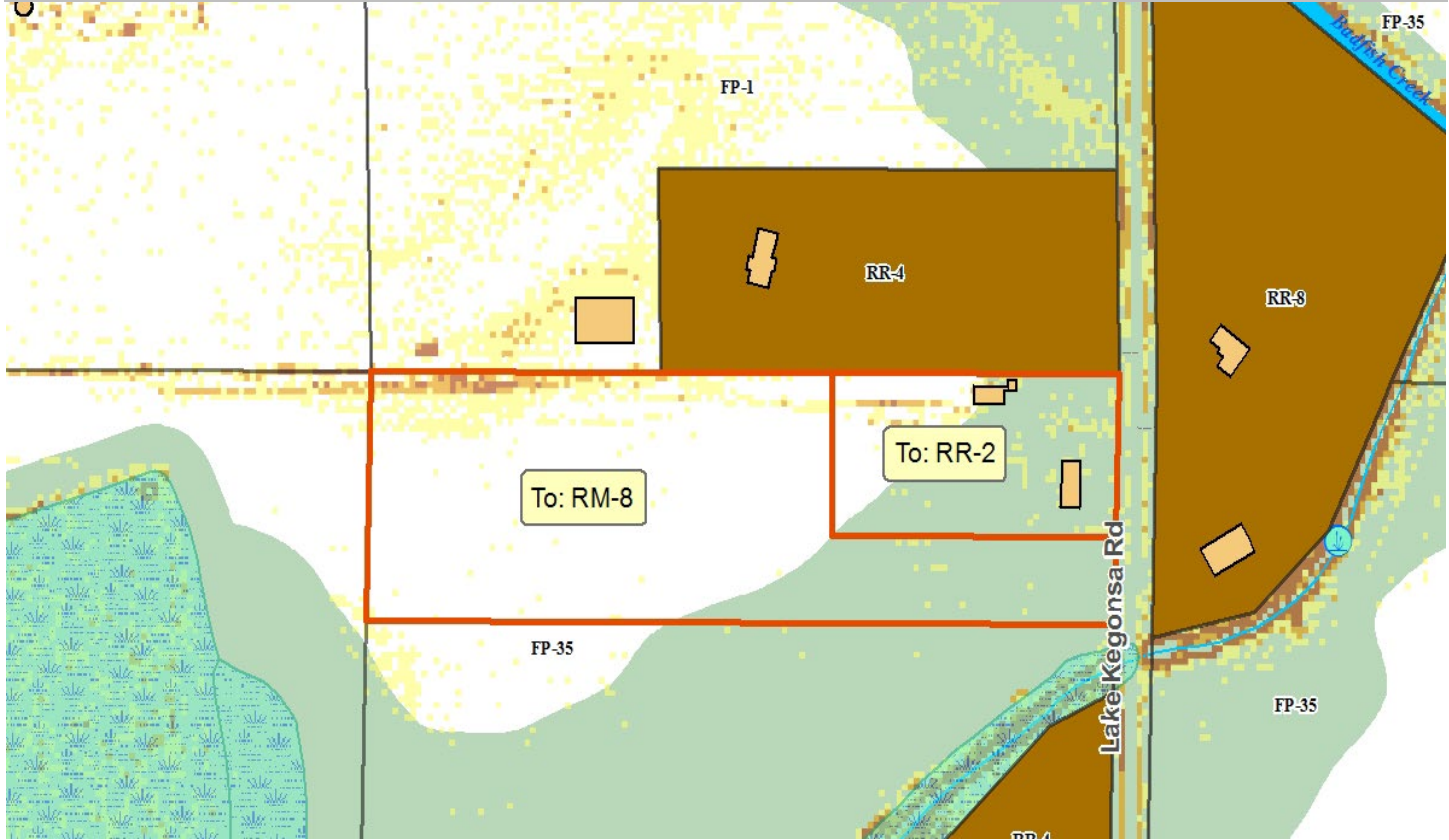


<p>Staff Report</p>  <p>Zoning and Land Regulation Committee</p>	<p>Public Hearing: July 26, 2022</p>	<p>Petition 11862</p>	
	<p><u>Zoning Amendment Requested:</u> FP-35 Farmland Preservation District TO RR-2 Rural Residential District, FP-35 Farmland Preservation District TO RM-8 Rural Mixed-Use District</p>		<p><u>Town/Section:</u> RUTLAND, Section 22</p>
	<p><u>Size:</u> 3.01,9.26 Acres</p>	<p><u>Survey Required:</u> Yes</p>	<p><u>Applicant:</u> CODY HELMER</p>
	<p><u>Reason for the request:</u> Creating a residential lot and separating the existing residence from the farmland</p>		<p><u>Address:</u> 791 LAKE KEGONSA ROAD</p>

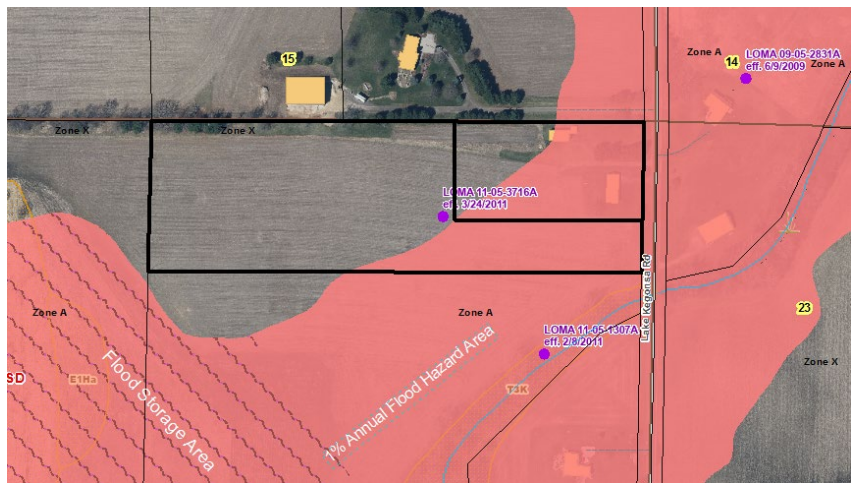


DESCRIPTION: Applicant proposes to separate the existing residence and building from the ~80 acre farm and to create a new ~9 acre RM-8 parcel for future development.

OBSERVATIONS: Existing and surrounding land uses are rural residential and agriculture / open space. There is a perennial stream tributary to the Badfish Creek located immediately south of the proposed rezone area.

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

RESOURCE PROTECTION: Resource protection areas associated with the mapped floodplain of the perennial stream tributary to the Badfish Creek are located on the subject property. The mapped floodplain extends into portions of the proposed RM-8 parcel.



STAFF: The property remains eligible for one possible density unit or “split”. If the petition is approved, the splits will be exhausted.

As noted above, the 1% annual flood hazard area associated with the perennial stream tributary to Badfish Creek encroaches on the 138’ wide “flagpole” portion of the proposed RM-8 parcel. There do not appear to be any hydric soils present on the buildable portion of the property (i.e., areas beyond the “flagpole” portion of the proposed new lot).

No information was provided in the application regarding proposed access to the new ~9 acre building site. Access across the flagpole portion of the lot would be problematic due to the mapped flood hazard area. Another option would be access via an existing driveway to Lake Kegonsa Road that runs along the northerly property line of the proposed RR-2 parcel. That driveway provides access to the existing accessory building on the property. If this is in fact the intended / proposed access, an access easement should be established.

The requested RM-8 zoning allows fairly intensive agricultural uses, as well as a broad list of possible conditional uses. The application included no information suggesting that RM-8 zoning would be necessary to accommodate proposed land uses. If there are no such uses, RR-8 would be a more appropriate zoning designation for the 9 acre lot.

Pending the committee’s review and any public comment at the ZLR Public Hearing, staff recommends approval with the following conditions:

1. The petition shall be amended to zone proposed Lot 2 to the RR-8 (Rural Residential) zoning district.
2. The Certified Survey Map shall delineate the 1% annual flood hazard area. No structural development shall be allowed within the flood hazard area.
3. The CSM shall establish a shared driveway easement across Lot 1 (RR-2) for the benefit of Lot 2 (RR-8).
4. The owner shall record a deed restriction on the balance of FP-35 zoned land prohibiting nonfarm development in accordance with town plan policies, as the density units have been exhausted (tax parcels 051022180010 and 051022185001).

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

TOWN: Approved with conditions (deed restriction on balance of FP-35 zoned land). The town conditions are reflected in the staff recommended conditions, above.