



Staff Report

Public Hearing: **December 11, 2017**

Petition: **Petition 11228
CUP 02402**

Zoning Amendment:
**RH-3 Rural Homes District TO A-2
(8) Agriculture District**

Town/sect:
OREGON, Section 22

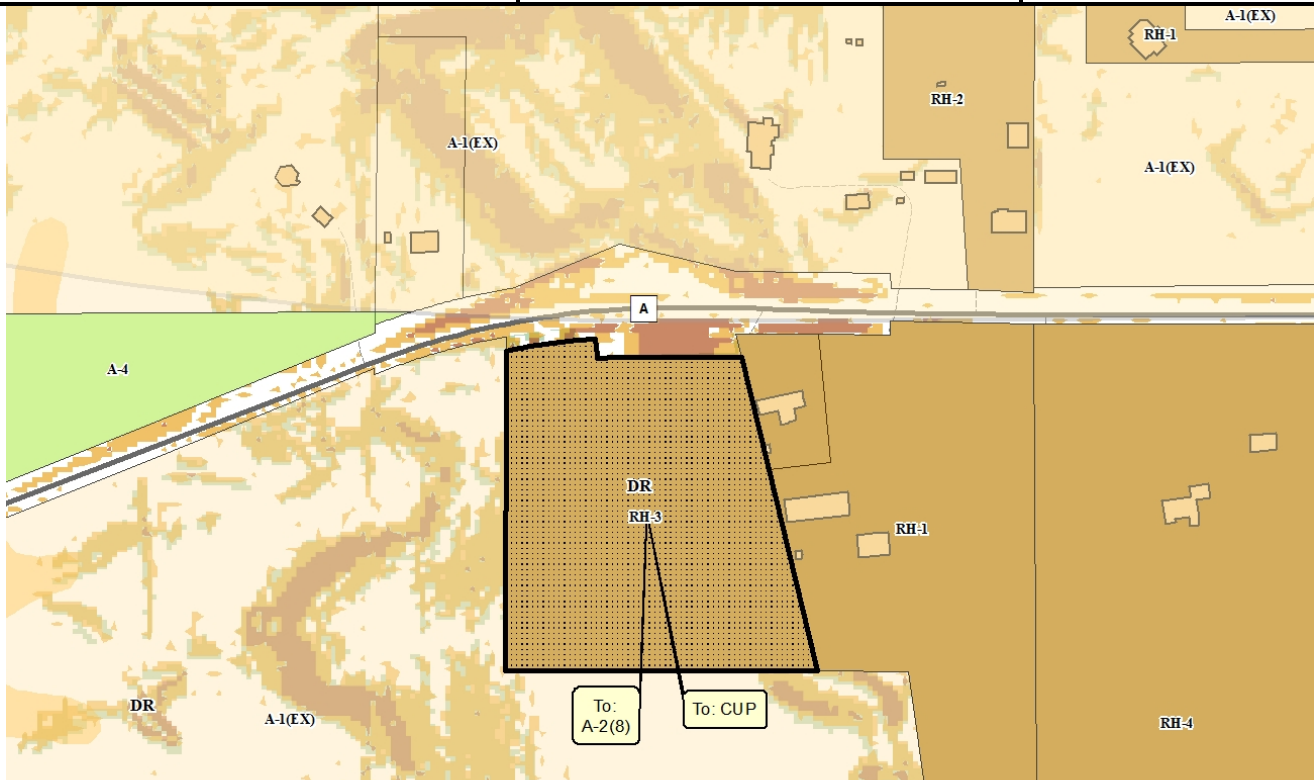
Zoning and Land Regulation Committee

Acres: 8.67
Survey Req. No

Applicant
ROBERT A SWITZKY

Reason:
**REZONE AND CUP FOR
SANITARY FIXTURES IN
AGRICULTURAL ACCESSORY
BUILDING
TO CUP: REZONE AND CUP FOR
SANITARY FIXTURES IN
AGRICULTURAL ACCESSORY
BUILDING**

Location:
5459 COUNTY HWY A



DESCRIPTION: Applicant would like to install a sink and sanitary facilities in an existing accessory building to be available for family members working on the property's sheep-raising operation.

OBSERVATIONS: The proposed use would take place in an existing agricultural building. Since the petition would rezone an existing RH-3 lot, no new homesite would be created.

TOWN PLAN: The Town of Oregon / Dane County Comprehensive Plan allows for commercial uses that *"...are rural or agricultural in nature or purpose, or serve local residents and farmers. Uses that pose environmental risks, or have excessive traffic, noise, signage, or lighting shall not be appropriate."*

RESOURCE PROTECTION: Town-derived resource protection corridors associated with slopes are on the property. However, the proposed use would take place outside mapped resource protection corridors in an existing building.

COUNTY HIGHWAY: County Highway A is not a controlled access highway. Any change of use will require an access permit to be obtained from the County Highway Department.

STAFF: See recommended conditions on Page 2.

TOWN: Approved with condition that CUP expires upon sale of the property to a 3rd party.

In order for an applicant to obtain a Conditional Use Permit, the Zoning and Land Regulation Committee must find that all of the following standards are met for the proposed land use:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare.
2. 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.
3. 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.
4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made; and
5. That adequate measures have been or will be being taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

Staff has prepared a list of conditions that may be used in order to meet the six standards as listed above to allow the conditional use on the property. Please note that the conditions may need to be changed or additional conditions added to address potential nuisances that may come to light during the public hearing.

1. The proposed use shall conform, in all respects, to the site plan and operational plan submitted as part of this application.
2. A bathroom with sanitary fixtures shall be allowed in the accessory building housing the sheep husbandry operation. Upon termination of the use, or prior to sale of the property to an unrelated 3rd party, the sanitary fixtures shall be removed, and the system shall be capped and disconnected from the septic system.
3. Prior to the installation of any sanitary facilities, the existing onsite wastewater treatment system shall be inspected by a licensed plumber to determine its capacity to handle estimated wastewater. Any deficiencies must be corrected, at the owner's expense, and the entire sanitary system brought into compliance with current sanitary code requirements for new construction.
4. No portion of the accessory building shall be used for human habitation.
5. Violation of any of these conditions shall be grounds for revocation of this conditional use permit.