



## RM-8 (Rural Mixed Use, 8-16 Acres) Zoning District

Zoning district for agricultural and other rural uses – CH. 10-Zoning, [Section 10.233](#)

### Permitted Uses 10.233(2)

- Agricultural uses
- Agricultural accessory Uses (except those listed as conditional uses below)
- Agricultural entertainment under 10 days/year
- Agricultural accessory buildings
- Farm related exhibitions, up to 5 days/year
- Single family residential – one per parcel
- Residential accessory structures
- Seasonal storage of recreational equipment and motor vehicles (not owner's or occupant's) in existing buildings
- Undeveloped natural resources and open space areas
- Home occupations
- Utility services
- Incidental room rental
- Community living arrangements for fewer than 9 persons
- Foster homes for less than five children
- Utility services associated with a permitted use
- Transportation, utility or communication uses required by law

### Conditional Uses 10.233(3)

- = Agricultural entertainment activities occurring 10 days/year or more
- = Attached accessory dwelling units
- = Cemeteries
- = Community living arrangements for 9 or more persons
- = Domestic pet animal boarding
- = Electric generating facilities that use renewable energy
- = Farm related exhibitions, sales or events exceeding 5 days a year
- = Governmental, institutional, religious, or nonprofit community uses
- = Large animal boarding
- = Limited family business
- = Limited farm business
- = Migrant farm labor camps certified under s. 103.92, Wis. Stats.
- = Property maintenance sheds (600 sq. ft. or less)
- = Recreational racetracks
- = Sanitary facilities in agricultural accessory buildings
- = Tourist or transient lodging
- = Veterinary clinics
- = Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not required by law

**OBSERVATIONS:** The parcel currently zoned RR-4 is located very close to the border with the town of Middleton fronting onto Airport Road. The land proposed to be divided into 3 residential lots is located to the south next to an existing rural subdivision. Class I & II soils (soils best for agricultural use) exist on proposed Lot 1. The CSM is located within the Natural Resource Area Boundary of the Dane County Parks & Open Space Plan. A natural resource area consists of land that is specifically set aside for the protection of valuable natural environments and/or greenbelt corridors that were identified through a public process. Their boundaries have no bearing on any zoning or land use decisions and participation by private landowners is on a voluntary basis.

The lots are being created without frontage. A land division variance and shared driveway permit application will have to be submitted. This type of design, utilizing a shared access/driveway, is extremely likely to create conflict in the future as ownership changes over time. An existing residential road, Burr Oak Trail, ends at the border of the proposed Lot 1, and was designed to allow for an extension into the neighboring property for future development. Ideally this road would be extended in such a way that could serve these lots as well as future development. Extending the existing town road ending in a cul-de-sac would be another appropriate alternative. Given this proposal uses a shared driveway easement to access the lots, it would be wise for the driveway to be built to town road specifications in the event it would be dedicated as a town road at a future time. At the very least, the driveway should be designed with a turnaround area at the entrance to the property.

**DANE COUNTY FARMLAND PRESERVATION PLAN:** The Farmland Preservation Plan makes farmers eligible for state benefits under the Working Lands Initiative, including income tax credits under Wisconsin State Statute Ch. 91.51. The state requires that at least 80% of the area planned for farmland preservation in each town is in a farmland preservation (FP) zoning district. See the following state administrative code provision: [ATCP 49.25\(2\), Wis. Adm. Code](#)

(2) CONSISTENCY WITH FARMLAND PRESERVATION PLAN. At least 80% of the area planned for farmland preservation in each town, city, or village covered by a certified farmland preservation plan shall be included in the farmland preservation district or a district that imposes land use restrictions as restrictive as or more restrictive than the farmland preservation zoning district. The department may consider certifying a farmland preservation zoning ordinance that is between 70% and 80% consistent with a farmland preservation plan if the political subdivision can demonstrate to the secretary's satisfaction a reasonable, objective justification for the lower level of consistency.

Cross Plain's current estimated town farmland preservation percentage is 83.84%. In this proposal, approximately 9 acres will go into FP and approximately 40 acres will be removed from FP, resulting in a percentage of 83.69%, moving the town closer to the 80% limit. This argues for reducing the size of the proposed residential lots.

**TOWN PLAN:** The subject property is in the *Agricultural Preservation* planned land use district. This district allows development at a density of 1 development right per 35 acres owned as of December 26, 1981. This proposal will exhaust the density units.

**RESOURCE PROTECTION:** The subject property is not in an environmental corridor.

**COUNTY HIGHWAYS:** There is an estimated 30 trips a day resulting from this rezone.

**DANE COUNTY LAND & WATER DEPARTMENT:**

- Any disturbance in shoreland zone requires a shoreland erosion control permit.
- Driveways over 150 ft require erosion control permit.
- Long driveways and houses may go over 20,000 SF impervious, requiring stormwater.

**STAFF:** Staff recommends consideration of reduction in the size of lots, rezoning to a rural residential (RR) district rather than RM-8, and requiring that the driveway be built to town road specifications. If the proposal is approved, staff recommends the following conditions, at a minimum:

- Deed restrict balance of the property against further development (tax parcel #070701485005).
- Owner shall record a shared driveway easement agreement meeting the requirements of Chapter 75.
- The driveway shall be paved and include a suitable turn-around area at the entrance to the property.
- Applicant must acquire an erosion control & stormwater permit (shoreland zone & long driveway)

Any questions about this petition or staff report please contact Pamela Andros at (608) 261-9780 or [andros@countyofdane.com](mailto:andros@countyofdane.com)

**TOWN:** Town Approved with no conditions.