
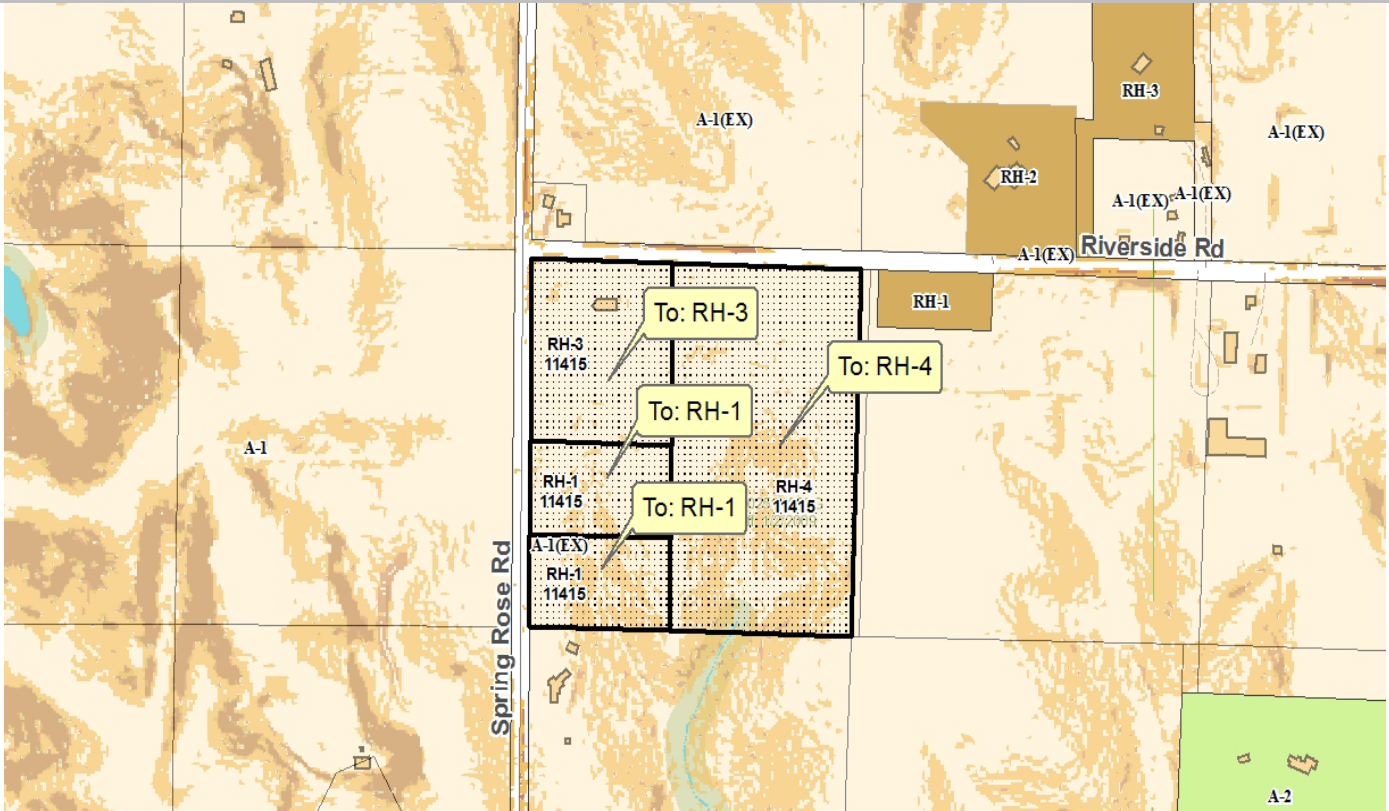


<b>Staff Report</b>    <b>Zoning and Land Regulation Committee</b>  Questions? Contact: Brian Standing – 267-4115	<b>Public Hearing: May 28, 2019</b>	<b>Petition 11415</b>
	<b>Zoning Amendment Requested:</b> <b>A-1EX Agriculture District TO RH-4 Rural Homes District, RH-1 Rural Homes District, and RH-3 Rural Homes District</b>	<b>Town/Section:</b> <b>VERONA, Section 31</b>
	<b>Size: 21.13, 7.92, 8.00 Acres</b>	<b>Survey Required. Yes</b>
	<b>Reason for the request:</b> <b>CREATING FOUR RESIDENTIAL LOTS</b>	
		<b>Address:</b> <b>7891 RIVERSIDE ROAD</b>



**DESCRIPTION:** Applicant would like to rezone a total of 37 acres from the A-1(EX) zoning district to create four residential lots of varying sizes.

**OBSERVATIONS:** The property is entirely forested and consists of rolling topography. There is one existing residence that would be located on the northerly RH-3 parcel. All proposed lots conform to the standards of the zoning ordinance and all have road frontage, as required by the land division and subdivision ordinance.

**TOWN PLAN:** The property is in a Rural Residential 2-4 Acres planning area in the *Town of Verona / Dane County Comprehensive Plan*. Nonfarm residential development is permitted, up to a maximum density of one unit per two acres.

**RESOURCE PROTECTION:** An intermittent stream flows southward from the extreme southern edge of the proposed RH-4 parcel, on the lot line furthest from road access on Riverside Road. There should be adequate room north of this area on the parcel to avoid any impacts.

**STAFF:** Recommend approval with no conditions.

**TOWN:** The Town Board approved the petition with a set of conditions. Lot 1 shall be limited to one land division after 7 years. Lot 4 shall be limited to be divided into no more than 4 lots after 7 years. Homes site shall avoid oak and hickory trees over 18" in diameter and slopes exceeding 15%. Building siting on Lots 2, 3, and 4, shall be approved by the Town of Verona prior to construction.

**May 28<sup>th</sup> ZLR Committee meeting:** The Committee postponed action due to public opposition. The neighboring property owner was concerned that the development would degrade the natural environment.

**Staff Update:** See attached memo.



# DANE COUNTY PLANNING & DEVELOPMENT

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## MEMORANDUM

FROM: Brian Standing, Senior Planner

TO: Zoning and Land Regulations Committee

SUBJECT: Rezone Petition 11415 (Saalsaa, Town of Verona)

DATE: June 5, 2019

CC: Roger Lane, Zoning Administrator  
Amanda Arnold, Town of Verona

At the ZLR's May 28<sup>th</sup>, 2019 public hearing on this petition, members of the public provided testimony expressing concern about the effect of proposed development on the natural environment. This memo analyzes that impact.

### Effect on Water Resources

Flynn Creek, a navigable waterway, begins near the southern line of proposed RH-4-zoned Lot 4 on the draft CSM. (See map, attached.) Shoreland zoning standards, including shoreland erosion control requirements, would apply to any development within 300 feet of the Ordinary Highwater Mark of the creek (shown in beige on the map). There appears to be ample room to develop outside of the shoreland zone. Disturbance of more than 4,000 square feet of ground, or more than 1,000 lineal feet of driveway, whether within or outside the shoreland zone, would require construction site erosion control measures, consistent with Chapter 14, Dane County Code. There are no other water features on, or adjacent to, the site.

### Effect on Slopes

There are some areas of the property where slopes exceed 12%, mostly confined to the Flynn Creek valley and some of its drainageways. There appears to be ample area on Proposed Lots 2, 3 and 4 to avoid these areas, as recommended by the Town of Verona proposed conditions of approval.

### Effect on Vegetation and Wildlife Habitat

The site is currently heavily wooded, part of approximately 89 acres of relatively contiguous woodland along the slopes of the Flynn Creek valley. Some fragmentation of this habitat already exists, associated with the existing home on proposed Lot 1, and with the home on the parcel to the south of proposed Lot 3 (under separate ownership, and not part of this petition). The privately-owned Barnes Wildlife Sanctuary, under a conservation easement held by the Humane Society Wildlife Land Trust, sits across

Spring Rose Road, to the west, from the proposed development. This area is in primarily open or grassland habitat, with a scattering of stands of woodlands.

Some additional habitat fragmentation on the site can be expected as a result of this petition. However, fragmentation should be at least partially mitigated by proposed Town of Verona conditions that require the landowner to maintain oak and hickory trees with a diameter (at 4.5' from the ground) of at least 18".

#### Comprehensive Plan Policies

The *Town of Verona / Dane County Comprehensive Plan* includes the following relevant policies, regarding protection of natural resources:

*"1. Natural Areas and Geological Features: The Town will promote the protection of natural areas and geological features by encouraging landowners and developers to protect, preserve, and enhance natural resources (wetlands, floodplains, streams, lakes, steep slopes, woodlands, native grasses and geological features.)"*

*"2. Building Placement: The Town will discourage placement of buildings on sites that have documented threatened and endangered species (WI Statutes, Section 29.145), or severe limitations due to steep slopes, soils not suitable for building, or sensitive environmental areas such as wetlands, floodplains, streams, lakes, woodlands, and native grasses in order to protect the benefits and functions they provide.*

*a. The Town shall require these natural resource features to be depicted on all site plans and preliminary plats to facilitate preservation of natural resources.*

*b. The Town shall direct all development to comply with Federal, State (i.e. WI statutes, Section 29.145), and County (i.e. Dane County Erosion Control and Stormwater Management Ordinance – Chapter 14) regulations."*

*"5. Woodland Areas – The Town will promote the management and preservation of existing woodlands as wildlife habitat, as an economic land use, as an erosion control measure, and as a means of preserving the open space character of the township. The Town will protect woodlands from degradation and destruction by inappropriate development and uses by:*

*a. Encouraging the minimum removal of trees for all building sites.*

*b. Requiring property owners with land in a formal managed forest program (DNR) to continuing to meet minimum program requirements.*

*c. Protecting woodlands from indiscriminate burning, but encouraging the use of prescribed burning to promote oak regeneration where desirable.*

*d. Encouraging the restoration of Oak Openings, which are an oak-dominated savanna community in which there is less than 50% tree canopy coverage and more than one tree per acre. Historically, Oak Openings were very abundant and occurred on wet-mesic to dry sites. Today, very few examples of this type exist."*

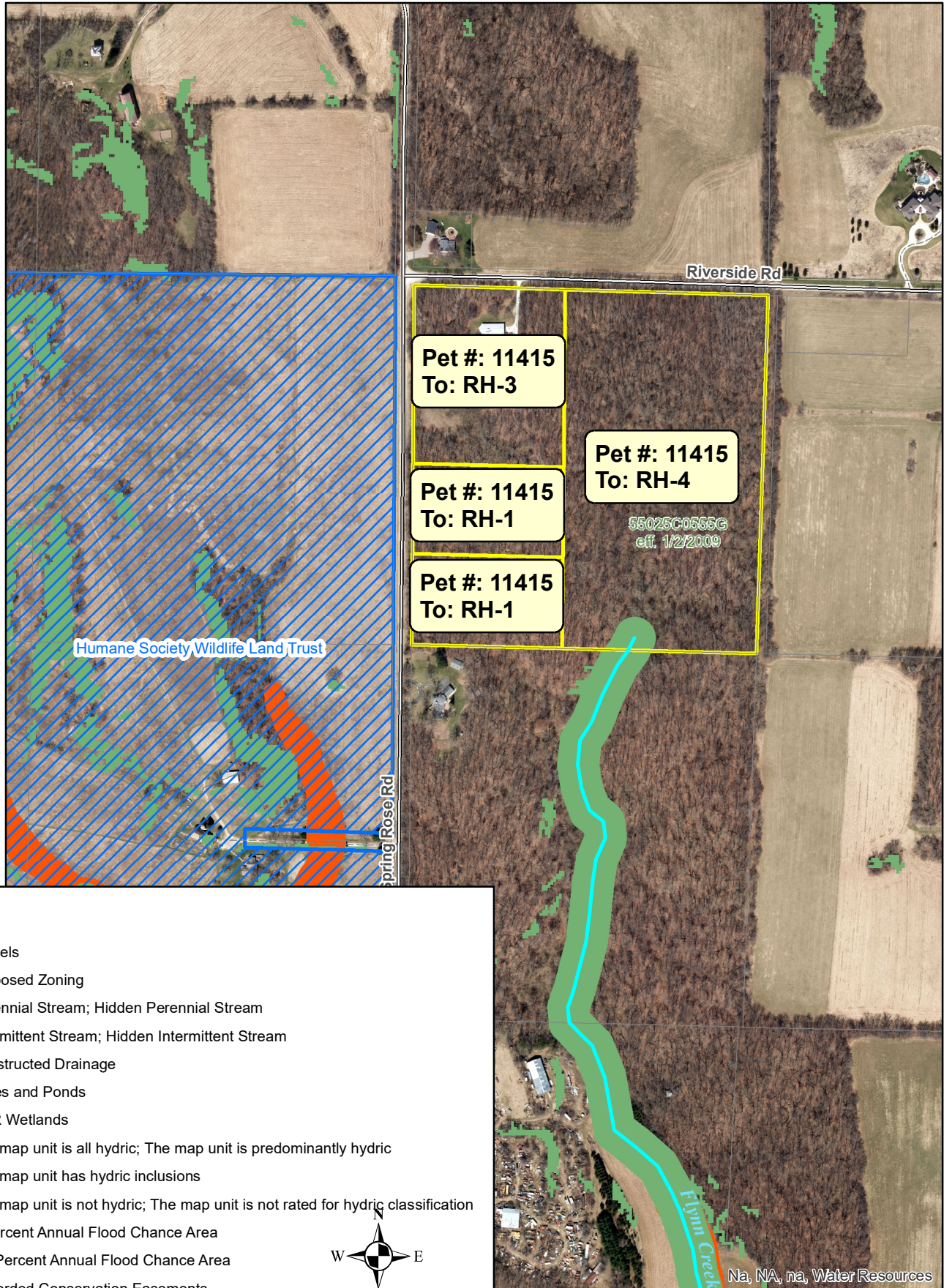
### Conclusions

With reasonable conditions, the development proposed in Petition 11415 can be expected to meet the goals and objectives related to natural resource protection in the *Town of Verona / Dane County Comprehensive Plan*. These conditions, consistent with those recommended by the Town of Verona board, include:

1. Future home sites shall to the extent possible avoid removing the large oak and hickory trees over 18 in diameter at 4.5' (from the ground).
2. Home sites shall avoid slopes equal to or exceeding 15%;
3. Placement of all buildings shall be consistent with a site plan approved by the Town of Verona staff and the zoning administrator.

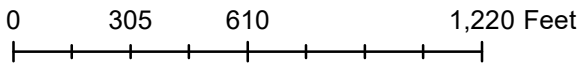
I hope this adequately addresses the concerns raised at the public hearing. Please feel free to contact me directly at [standing@countyofdane.com](mailto:standing@countyofdane.com) or 608-267-4115 if I can be of further assistance.





**Legend**

- Parcels
- Proposed Zoning
- Perennial Stream; Hidden Perennial Stream
- Intermittent Stream; Hidden Intermittent Stream
- Constructed Drainage
- Lakes and Ponds
- DNR Wetlands
- The map unit is all hydric; The map unit is predominantly hydric
- The map unit has hydric inclusions
- The map unit is not hydric; The map unit is not rated for hydric classification
- 1 Percent Annual Flood Chance Area
- 0.2 Percent Annual Flood Chance Area
- Recorded Conservation Easements
- Resource\_Protection\_Corridors



Na, NA, na, Water Resources