
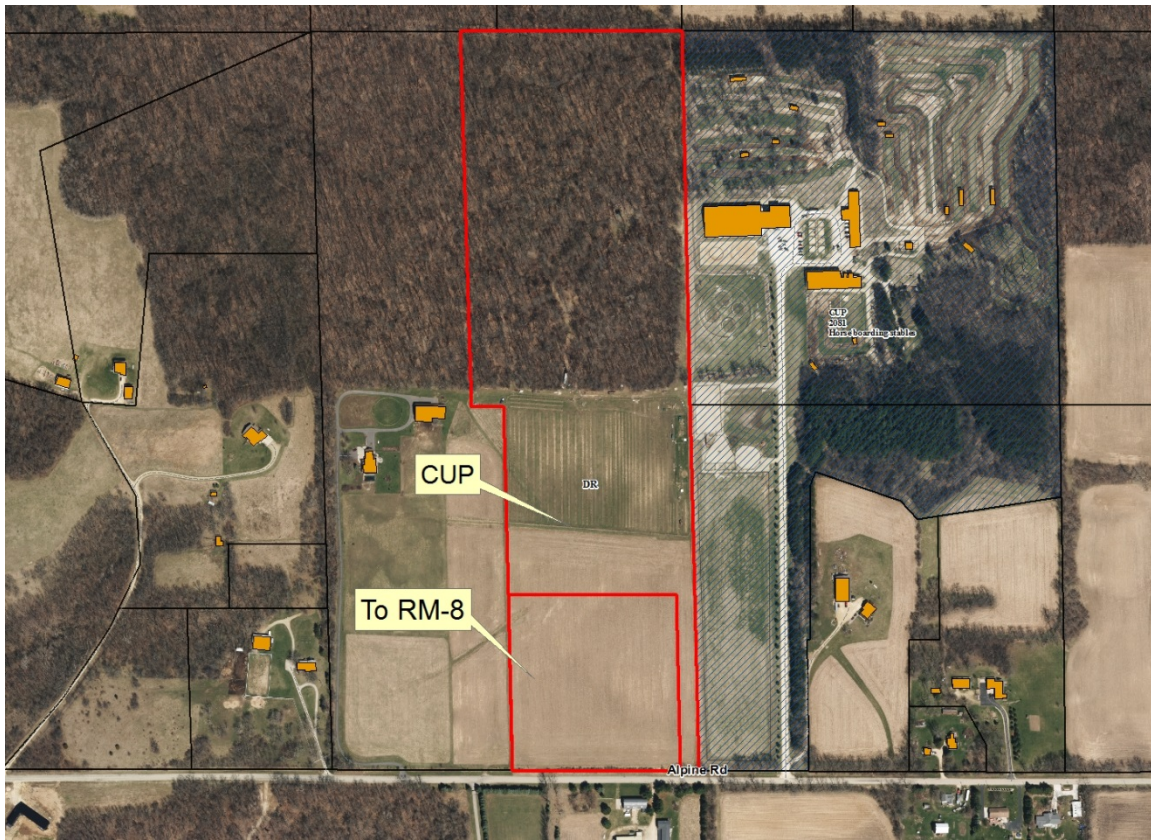


<p><b>Staff Report</b></p>  <p><b>Zoning and Land Regulation Committee</b></p>	<p><i>Public Hearing:</i> <b>March 26, 2019</b></p>	<p><b>Petition 11402</b> <b>CUP 2455</b></p>
	<p><i>Zoning Amendment Requested:</i> <b>RR-8 Rural Residential District TO RM-8 Rural Mixed-use District</b></p>	<p><i>Town/Section:</i> <b>OREGON, Section 33</b></p>
	<p><i>Size:</i> <b>8.5 Acres CUP: 43 Acres</b>      <i>Survey Required:</i> <b>No</b></p>	<p><i>Applicant:</i> <b>CATHY S LEVERENZ</b></p>
	<p><i>Reason for the request:</i> <b>NEEDS RM-8 ZONING TO BE IN COMPLIANCE WITH AGRICULTURAL ENTERTAINMENT USES</b> <b>TO CUP: AGRICULTURE ENTERTAINMENT ACTIVITIES OCCURING 10 DAYS OR MORE: PICK- YOUR- OWN FRUITS AND VEGETABLES, CORN MAZE, PUMPKIN PATCH, ANIMAL PETTING, AND PLAY AREA</b></p>	<p><i>Address:</i> <b>5610 ALPINE ROAD</b></p>



**DESCRIPTION:** Landowner is applying for a rezone of 8.5 acres from the RR-8 Rural Residential district to the RM-8 zoning district and a conditional use permit for agricultural entertainment. This will allow for a “pick-your-own” apple orchard serving between 10 to 100 customers per day.

**OBSERVATIONS:** The site is currently entirely in row crops, with no existing structures or buildings. There is adequate room on the parcel to meet county parking requirements.

**TOWN PLAN:** The parcel is in a Rural Preservation area in the *Town of Oregon / Dane County Comprehensive Plan* and in a Farmland Preservation area in the *Dane County Farmland Preservation Plan*.

**RESOURCE PROTECTION:** There are no mapped resource protection corridors on the proposed site.

**STAFF: Rezoning:** The proposal meets the dimensional standards of the zoning district and appears to be consistent with the Town Comprehensive Plan policies.

**Conditional Use Permit:** See suggested conditions below.

**TOWN: REZONING:** The Town Board approved the petition with no conditions.

**CONDITIONAL USE PERMIT:** The Town Board approved the CUP with 7 conditions. The conditions have been incorporated into the staff's suggested conditions below:

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 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. This conditional use permit for agricultural entertainment shall terminate upon the sale of the property.
2. Hours of operation are from 10:00 a.m. to 6:00 p.m. The entertainment activities shall be limited from June through November.
3. There shall be no more than 5 employees for the operation.
4. There will be no outdoor lighting or loudspeakers.
5. Fireworks are prohibited on the property.
6. Off-street parking must be provided, consistent with standards in the Chapter 10, for a minimum of 50 vehicles.
7. Customer parking along Alpine Road is prohibited.
8. Landowner will maintain a trash removal plan with the zoning administrator.
9. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
10. 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.
11. Any ongoing business operation must obtain and continue to meet all 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.
12. Existing onsite wastewater sewage disposal systems, if any, serving the conditional use must be inspected by a licensed plumber to determine its suitability for the proposed or expanded use. Deficient systems must be brought, at the owner's expense, into full compliance with the current requirements for new development of the state plumbing code and Chapter 46, Dane County Code.
13. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
14. 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 born by the landowner. Costs born by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.
15. 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.

16. 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.
17. 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.