



Staff Report

Zoning and Land Regulation Committee

Public Hearing: **July 22, 2014**

Zoning Amendment:
Wetland District to Non-wetland District

Acres: 0.2
Survey Req. No

Reason:
Reclassification of small wetland area to allow filling

Petition: **Rezone 10725**

Town/sect:
Rutland Section 31

Applicant
Kevin L Klahn

Location:
4562 US Highway 92



DESCRIPTION: Klondike Farms would like to consolidate their farm operation to one centralized area. The site has been selected due to the existing grain silos present on the property. Development includes an office/farm maintenance building; two buildings for hay storage; and fertilizer storage area. During the design phase, small pockets of wetlands were identified in an area that is being cropped. The applicant is requesting that the wetland pocket be removed from the wetland inventory maps so that the development can occur as designed.

OBSERVATIONS: The development is in close proximity to King Lake. During the design phase, it was observed that there may be wetlands within the development area. A field analysis was conducted by Taylor Conservation to determine if wetlands were present. Taylor Conservation identified four pockets of wetlands ranging from 4200 square feet to 38,000 square feet in size (0.1 to 0.9 acres). The design was adjusted so that only two of the identified areas; one 4,225 sq. ft. in size and one 4,902 sq. ft. in size will be affected.

DNR: The applicant is working with the DNR in order to obtain the permits needed to fill in the small wetland pockets.

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

RESOURCE PROTECTION: Areas of resource protection corridor are associated with the small pond and mapped wetlands on the property.

STAFF: Development will need to comply with Shoreland regulations. The 75-foot setback does not apply to wetlands under 2 acres in size. Staff suggests removal of the minimal amount of wetland necessary for development, being the 4,225 and 4,902 square foot areas to be filled.

TOWN: Approved with no conditions.

Rezone 10725 continued

7/22 ZLR Action: A motion was made by KOLAR, seconded by MATANO, that the Zoning Petition be postponed to the Zoning & Land Regulation Committee, due back by 8/12/2014. The motion carried by a voice vote.

Public Comment:

In Favor: Kevin Klahn, Eric Grover

In Opposition: Karen Smith, William Brockman, Lyle Wanless, Attorney Cynthia Fiene representing William Brockman, James Seymour, and JoAnn Seymour

The opposition expressed concerns regarding flooding, transfer of stormwater to adjacent properties, increased noise levels, and increased traffic.

STAFF UPDATE:

Flooding/Stormwater: A storm water management plan has been approved by Dane County Water Resource Engineering Division. The plan details three detention basins being installed on the property. The basins will release stormwater at a pre-development rate. The storm water will be directed into swales around the edges of the site. The swales drain into the constructed detention basins and then transfer into King Lake. There is a small detention basin located on the southeast portion of the site. This basin releases storm water into the field to the east.

Noise Levels: The proposal is located on lands that are within the A-1 Exclusive Agriculture Zoning District. Staff have discussed the consolidation of the farm operation with the Town as well as the Department of Agriculture, Trade, and Consumer Protection. Both feel that the project is a land use that falls under the category of "Agricultural uses" and is considered permitted by right in the zoning district. The movement of agricultural equipment, equipment noises, and specific odors are all customarily accepted nuisances associated with a farm operation.

Access to Highway: The State Highway Department is reviewing the access to Hwy 92.

DNR Wetland Approval: All necessary approvals have been granted from the DNR to fill in the 4200 sq. ft. and 4900 sq. ft. wetland areas.