



MEMORANDUM

TO: ZONING AND LAND REGULATIONS COMMITTEE
FROM: CURT KODL – SENIOR PLANNER
SUBJECT: CSM APPLICATION # 9617 – FISH LAKE
DATE: 06/25/2014
CC: ROGER LANE; TODD VIOLANTE; ROBERT PINGS

History of the Parcel

This CSM application proposes to divide a 16+ acre parcel into 2 legal lots. **The lots have been modified to provide a potential building envelope and road frontage depicted over the 872' contour line.** This is the same property of the recent CSM (application # 9570) and was denied on 3/11/2014 for the following reasons:

"Finding of fact: Existing parcel currently allows for 1 home site and the original rezone petition (#2862) did not intend the lot to be divided with respect to a blanket rezone by the town of Roxbury as part of implementation of their land use plan. In addition, the proposed 2-lot certified survey map is not consistent with the county comprehensive plan with regards to the reduction of flood prone properties."

Additionally, rezone petition #10499 which proposed 3 separate lots. As you recall from the 12/11/2013 meeting of the Zoning and Land Regulations Committee the petition was denied for the following reasons:

"The greater part of two of the proposed lots would be underwater in a flood event of 872 feet making the proposal conflict with Dane County Comprehensive Plan policies with regards to the reduction of flood prone properties. In a flood event, road access would be restricted to the area due to the flooding of Fish Lake Road and portions of Schoepp Road making access for emergency services difficult. Currently, there is reasonable use of the land given the existing zoning for a one single-family residence."

Per the Dane County Code of Ordinances Chapter 82 - 82.54(1) County subdivision regulations are also required to be consistent with the Dane County Comprehensive Plan. Therefore this CSM will undergo similar review as Petition # 10499.

Town of Roxbury Comprehensive Plan

The property is located in the Rural Development Planning Area, it is an area identified *"for lower density single-family residential development."* This area allows for residential housing having a minimum lot size of 1-acre. New minor subdivisions (CSM's) must also meet the Town's subdivision and land division regulations.

However, this property abuts Fish Lake and as noted in the Town Plan: *"For example, over the past thirty-five years, Fish Lake has risen over eight feet. This has resulted in flooding problems for nearby residents and campers, and has also impacted roadways and the public boat landing..."*

And when discussing Lakes and flood mitigation the Town of Roxbury the Plan states this: *".... It is projected that precipitation for this part of the state will continue to increase with climate change. Therefore, the Lake District and its partners may want consider alternatives to pumping that may be more sustainable."*

One Natural Resource Policy (p. 31) in the Town plan states: "Preserve environmentally sensitive areas by prohibiting new buildings in wetlands, floodplains and other locally-identified flood prone areas..."

Dane County Comprehensive Plan

In addition to the above, in the Dane County Comprehensive Plan this property is in the Rural Development and Transition Areas which states: *"Continue to promote limited, compact, and efficient development"* while maintaining compatibility with other uses and *"Continue to refer to town plans adopted by the county board for detailed land use policies within Rural Development and Transitional Areas."*

Also, under Water Resources (p. 43) there is also an objective stating: *"Prevent development from increasing the potential for flood-related problems."*

The property is in a Rural Development Planning Area, however, further development would appear to be inconsistent with the plan related to flooding and flood prone areas. This was reflected in the ZLR findings for denial of the CSM on 3/11/2014 and the rezone petition #10499.