
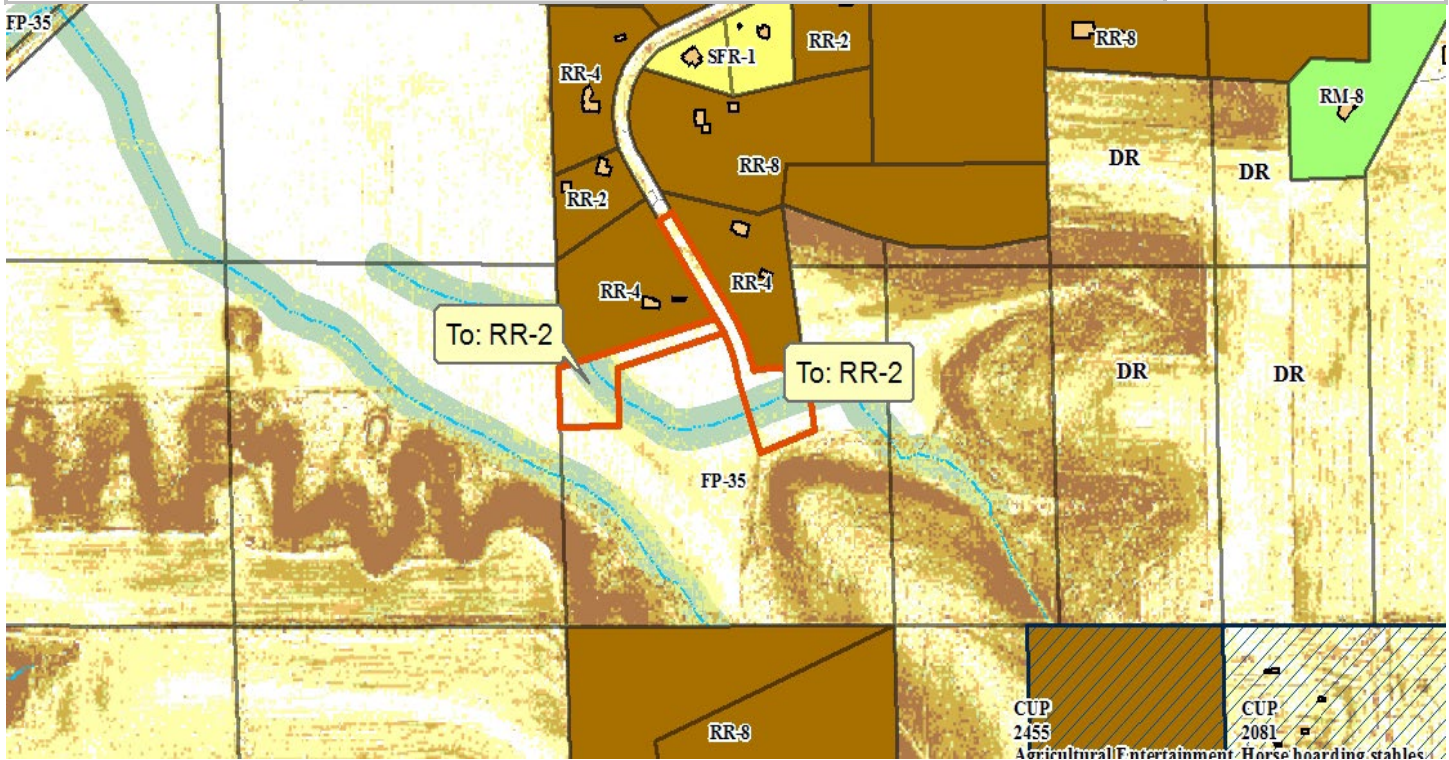


<p><b>Staff Report</b> REVISED 4/5/2022</p>  <p><b>Zoning and Land Regulation Committee</b></p>	<p><i>Public Hearing:</i> <b>March 22, 2022</b></p>	<p><b>Petition 11807</b></p>
	<p><i>Zoning Amendment Requested:</i> <b>FP-35 Farmland Preservation District TO RR-2 Rural Residential District</b></p>	<p><i>Town/Section:</i> <b>OREGON, Section 33</b></p>
	<p><i>Size:</i> <b>4.52 Acres</b></p>	<p><i>Survey Required:</i> <b>Yes</b></p>
	<p><i>Reason for the request:</i> <b>Creating two residential lots</b></p>	
		<p><i>Address:</i> <b>SOUTH OF 277 WILDERNESS WAY</b></p>



**DESCRIPTION:** Landowner wishes to rezone a total of 4.52 acres to create two RR-2 zoned lots adjacent to five existing metes-and-bounds and CSM lots.

**OBSERVATIONS:** Proposed Lot 2 will not have direct road frontage, but would access Wilderness Way from a shared driveway. Waivers from road frontage, including recorded shared maintenance agreements, under s. 75.19(8), Dane County Code will be necessary before Certified Survey Maps can be recorded. Note that approval of this petition would increase the number of homes served by Wilderness Way from five to seven, and would create a de-facto cul-de-sac more than 2,000 feet long, with only one entry point. For comparison, Chapter 75 sets a maximum cul-de-sac length for new public roads of no more than 1,500 feet. If a natural or manmade disaster blocks access to Wilderness Way, residents will have no other outlet.

**TOWN PLAN:** The property is within a rural preservation area in the *Town of Oregon / Dane County Comprehensive Plan*. Residential development is capped at one unit per 35 acres owned as of January 1, 1995. If Petition 11807 is approved, this will exhaust the development potential of this property.

**RESOURCE PROTECTION:** Although GIS hydrology layers initially showed an apparent intermittent stream through the middle of both proposed lots, a field determination by the Zoning Division determined that this stream is not, in fact navigable under state law. Stormwater and erosion control standards should be applied to minimize impacts on surrounding properties.

**STAFF:** Recommend approval with the following conditions (note these conditions incorporate both staff and town recommendations):

1. A deed restriction shall be recorded on parcels 0509-332-9500-8, 0509-331-9070-0, 0509-332-8341-0 & 0509-331-8721-0 to prohibit further residential development on the remaining FP-35 Farmland Preservation zoned land. The housing density rights for the original farm have been exhausted.
2. A shared driveway agreement shall be recorded on the properties pursuant to Dane County Code of Ordinance Section 75.19(8) to allow for 1 lot to be created without public road frontage. The agreement shall include access to the other residential lot being created and the remaining agricultural property. Within 90 days, the application shall be approved by Dane County Zoning Division or the zoning shall become null and void.
3. A driveway permit shall be approved by the Town of Oregon prior to obtaining a zoning permit. The driveway design shall comply with all requirements of the Town of Oregon Driveway Ordinance including culvert, build-up to cul-de-sac, and bump out requirements.
4. Storm water management permit and erosion control permit shall be obtained from Dane County Land and Water Resources Department prior to obtaining a zoning permit.

*(For questions about these conditions, please contact Brian Standing at [standing@countyofdane.com](mailto:standing@countyofdane.com).)*

**TOWN:** On 3/1/2022, the Town Board voted to approve with conditions. (See town action report in packet).