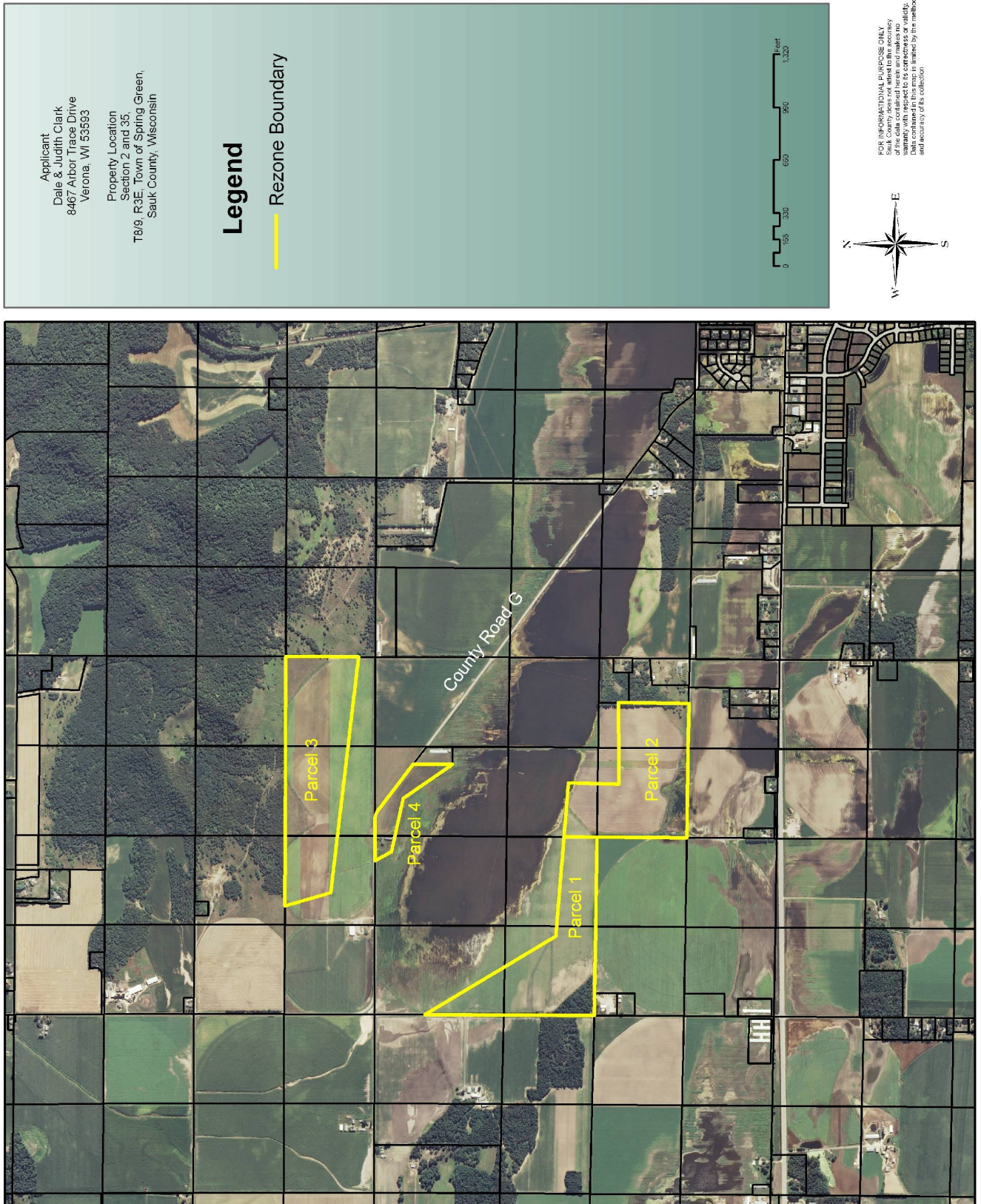


Staff Report Petition 5-2010

Sauk County Department of Planning and Zoning



PLANNING, ZONING & LAND RECORDS COMMITTEE STAFF REPORT

Petition # 5-2010 Proposed Agricultural Rezone by Dale & Judith Clark property owners/agent.

Public Hearing Scheduled for: 3/30/10

1. Request

A petition by Dale & Judith Clark to change the zoning of property from a Resource Conservancy- 35 to an Agricultural Zoning District. The purpose or basis of the rezone request is to establish multiple mineral extraction operations on the same farm which will provide a for short-term storage of flood runoff and lower the high water elevation during times of flooding, thereby decreasing flooding potential on adjacent properties. The proposed mineral extraction operations will consist of the removal of sand knobs or hills and will be returned to the former land use consisting of agricultural fields. If the rezone is approved, the applicant will need to seek the issuance of a Special Exception Permit for mineral extraction operations by the Sauk County Board of Adjustment. There are four areas (parcels) on the Clark farm that are affected by this rezone petition. Please see the staff report cover page for areas (parcels) to be rezoned. The legal descriptions of the land affected by the proposed rezone includes:

PARCEL 1 LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER, THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, AND IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, SECTION 2, TOWN 8 NORTH, RANGE 3 EAST, TOWN OF SPRING GREEN, SAUK COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND 1¼" DIAMETER IRON ROD AT THE WEST QUARTER CORNER OF SAID SECTION 2, THENCE N00°13'14"E ON THE WEST LINE OF THE NORTHWEST QUARTER, 2496.28 FEET TO A SET P.K. NAIL; THENCE S31°01'26"E, 2250.87 FEET TO A SET ¾" DIAMETER REBAR; THENCE S85°15'54"E, 1470.36 FEET TO A SET ¾" DIAMETER REBAR ON THE EAST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER; THENCE S00°23'02"W ON SAID EAST LINE, 484.33 FEET TO A FOUND ¾" DIAMETER REBAR AT THE CENTER QUARTER CORNER OF SAID SECTION 2; THENCE N89°09'57"W ON THE SOUTH LINE OF THE NORTHWEST QUARTER, 2632.08' TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINS 2,581,274 SQUARE FEET OR 59.26 ACRES MORE OR LESS.

PARCEL 2 LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, AND IN THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 2, TOWN 8 NORTH, RANGE 3 EAST, TOWN OF SPRING GREEN, SAUK COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND BROKEN OFF HARRISON MONUMENT AT THE EAST QUARTER CORNER OF SAID SECTION 2, THENCE N89°09'57"W ON THE NORTH LINE OF THE SOUTHEAST QUARTER, 657.32 FEET TO THE EAST LINE OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER; THENCE S00°38'20"W ON SAID EAST LINE, 289.02 FEET TO A SET ¾" REBAR AT THE POINT OF BEGINNING; THENCE CONTINUING S00°38'20"W ON SAID EAST LINE, 196.50 FEET TO A FOUND ¾" DIAMETER REBAR; THENCE S00°37'42"W ON SAID EAST LINE, 839.44 FEET TO A FOUND ¾" DIAMETER REBAR AT THE SOUTHEAST CORNER OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER; THENCE N89°07'46"W, 1985.49 FEET TO A SET ¾" DIAMETER REBAR AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE N00°23'02"E, 1323.72 FEET TO A FOUND ¾" DIAMETER REBAR AT THE CENTER QUARTER CORNER OF SAID SECTION 2; THENCE N00°23'02"E ON THE WEST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, 484.33 FEET TO A SET ¾" DIAMETER REBAR; THENCE S85°15'54"E, 800.74 FEET TO A SET ¾" DIAMETER REBAR; THENCE S01°18'45"W, 737.47 FEET TO A SET ¾" DIAMETER REBAR; THENCE N89°56'56"E, 1203.42' TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINS 2,638,209 SQUARE FEET OR 60.56 ACRES MORE OR LESS.

PARCEL 3 LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, AND IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWN 9 NORTH, RANGE 3 EAST, TOWN OF SPRING GREEN, SAUK COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND SLIMLINE HARRISON MONUMENT AT THE SOUTHEAST CORNER OF SAID SECTION 35, THENCE N00°15'44"E ON THE EAST LINE OF THE SOUTHEAST QUARTER, 243.97 FEET TO A SET ¾" DIAMETER REBAR AND THE POINT OF BEGINNING; THENCE N83°13'47"W, 3510.35 FEET TO A SET ¾" DIAMETER REBAR;

THENCE N16°06'58"W, 702.40 FEET TO A SET ¾" DIAMETER REBAR ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE S89°45'59"E, 1041.28 FEET TO A FOUND ¾" DIAMETER REBAR AT THE NORTHEAST CORNER THEREOF; THENCE S89°46'02"E ON THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER, 2644.51 TO A SET ¾" DIAMETER REBAR AT THE NORTHEAST CORNER THEREOF; THENCE S00°15' 44"W ON THE EAST LINE OF THE SOUTHEAST QUARTER, 1073.65 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINS 3,114,395 SQUARE FEET OR 71.50 ACRES MORE OR LESS.

PARCEL 4 LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER AND IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 2, TOWN 8 NORTH, RANGE 3 EAST, TOWN OF SPRING GREEN, SAUK COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND COTTON GIN SPIKE AT THE NORTH QUARTER CORNER OF SAID SECTION 2 AND ON THE CENTERLINE OF CTH "G", THENCE S89°54'22"E ON THE NORTH LINE OF THE NORTHEAST QUARTER AND ON SAID CENTERLINE, 213.61 FEET TO A SET P.K. NAIL AND A POINT OF CURVATURE; THENCE 197.93 FEET ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 306.17 FEET, A CENTRAL ANGLE OF 37°02'20", A LONG CHORD BEARING S71° 23' 12"E, AND A CHORD LENGTH OF 194.50 FEET, TO A SET P.K. NAIL; THENCE S52°52'01"E, 830.95 FEET TO A SET P.K. NAIL AND THE LAST POINT ON SAID CENTERLINE; THENCE S00°19'10"W, 573.36 FEET TO A SET ¾" DIAMETER REBAR; THENCE N34°44'22"W, 884.58 FEET TO A SET ¾" DIAMETER REBAR; THENCE N77°49'15"W, 805.78 FEET TO A SET ¾" DIAMETER REBAR; THENCE N29°42'21"W, 277.60 FEET TO A SET ¾" DIAMETER REBAR ON THE NORTH LINE OF THE NORTHWEST QUARTER AND ON THE CENTERLINE OF CTH "G"; THENCE S89°54'13"E ON SAID NORTH LINE AND CENTERLINE, 372.08 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINS 454,564 SQUARE FEET OR 10.44 ACRES MORE OR LESS.

2. History/Timeline

February 26, 2010. An application to rezone was submitted to the Planning & Zoning Department by Dale Clark, owner/agent.

March 9, 2010. Planning & Zoning staff sent a notice of the rezone proposal to adjacent landowners. No correspondence has been received.

Pending. The Town of Spring Green Town Board has not had an opportunity to fully consider the rezone request and has not provided a recommendation at this time.

3. Issues

When reviewing a rezone proposal and change in land use, staff looks at several criteria, including how the proposed use fits into the surrounding area, whether there are any constraints to development at the proposed site and if the proposed use is consistent with local and county development plans and ordinances.

- **Present adjacent land uses and zoning**

First, the existing land uses and zoning designations in the surrounding area are reviewed to determine the proposal's compatibility and appropriateness. It is important that the proposed use and zoning be compatible and appropriate to the area.

Adjacent Land Uses and Zoning (General)

| Direction | Land Use | Zoning |
|-----------|---------------------------|-------------------------|
| Site | Agricultural Field | Resource Conservancy-35 |
| North | Agricultural Field/Forest | Resource Conservancy-35 |
| South | Agricultural Field | Resource Conservancy-35 |
| East | Agricultural Field | Resource Conservancy-35 |
| West | Agricultural Field | Resource Conservancy-35 |

- **Physical constraints to development**

Second, it must be determined if there are any special physical constraints to development at the property. These include:

Floodplain: None, however this area has a history of flooding due to high ground water. The actual areas subject to the rezone have not been affected by high groundwater.

Wetlands: None

Steep Slopes: None

Prime Agriculture Soils: The mineral extraction sites will be reclaimed as an agricultural field.

Septic Suitability: Not Applicable

4. Consistency with local development plans and ordinances

- **Consistency with the Town of Spring Green Comprehensive Plan**

The Town of Spring Green Board has not had an opportunity to evaluate the proposed land use and rezone. Therefore, the Town has not had an opportunity to reference the town's comprehensive plan as part of their decision.

5. Recommendation

In summary, the proposed rezone for a mineral extraction operation will allow the owner to remove sand and at the same time reduce flooding potential on neighboring property. The land will be returned to an agricultural land use upon reclamation of the mineral extraction sites. The Town of Spring Green Town Board has not had an opportunity to take action on the rezone. At this time, staff recommends that the rezone from a Resource Conservancy- 35 to an Agricultural Zoning District for the purpose of establishing a mineral extraction operation (**Petition #5-2010**) be **Postponed** until the Town has had an opportunity to take action.

Staff Report submitted by Brian Simmert