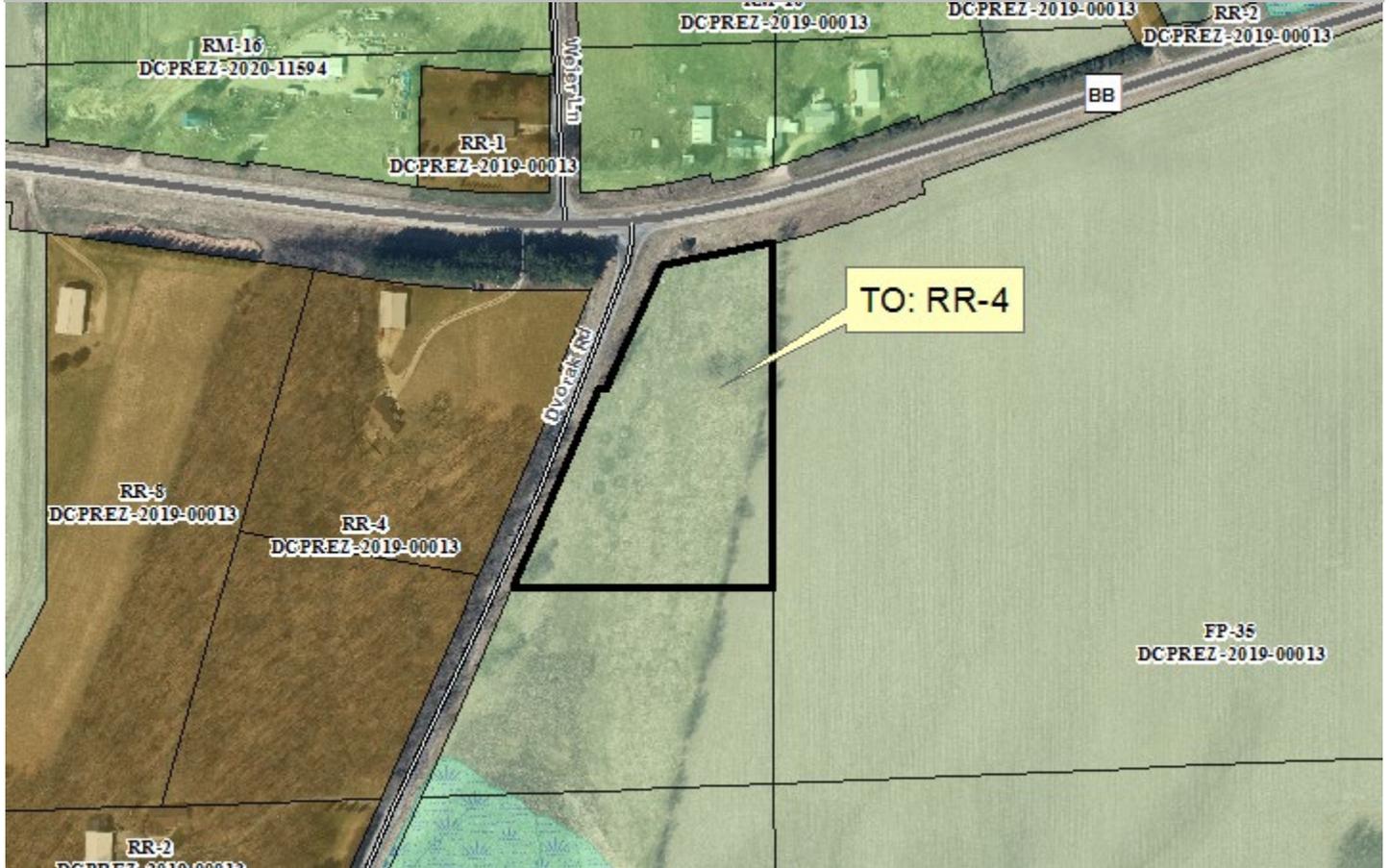


Staff Report  Zoning and Land Regulation Committee	<i>Public Hearing:</i> September 28, 2021	Petition 11739	
	<i>Zoning Amendment Requested:</i> FP-35 Farmland Preservation District TO RR-4 Rural Residential District	<i>Town/Section:</i> DEERFIELD, Section 18	
	<i>Size:</i> 9.8 Acres	<i>Survey Required:</i> Yes	<i>Applicant:</i> SOLO W PIERCE III
	<i>Reason for the request:</i> Creating two one residential lots		<i>Address:</i> EAST OF 1475 COUNTY HWY BB



DESCRIPTION: Applicant proposes to create two new RR-4 zoned residential parcels of approximately 4.6 acres each for future development. The property is located off Dvorak Road just south of CTH BB (Cottage Grove Rd). NOTE: applicant has revised the proposal to just a single lot as depicted above. See Staff Update section below on page 3.

OBSERVATIONS: Current use of the property appears to be scrub pasture / open space. Surrounding land uses are agriculture to the east, and scattered rural residential west of Dvorak Rd. An area of mapped wetlands with associated 75' buffer is located on the southerly boundary of the subject property. An area of 100 year floodplain is present across a north/south area of proposed lot 2 (southerly lot) totaling about 1/4 of the overall lot area. As indicated on the rezone application form, presence of wetlands and floodplain could complicate development of proposed lot 2.

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

RESOURCE PROTECTION: An area of resource protection corridor associated with the mapped wetland, wetland buffer, and 100 year floodplain is present on the property.

DANE COUNTY HIGHWAYS COMMENTS: CTH BB is a controlled access highway. No access will be permitted

to CTH BB. Estimate increase of 20 trips per day due to rezone.

STAFF: As indicated on the attached density study report, the property remains eligible for 2 possible density units (“splits”). The ~255 acre 1978 historic farm unit is now owned by multiple parties, with Mr. Pierce owning the largest proportion (~116 acres). It’s unclear if any agreement exists between the current owners as to the allocation of the two remaining density units. It’s important to note that the town of Deerfield counts the separation of pre-1978 residences onto parcels less than 35 acres as a “split”. If this proposal were approved, that would preclude potential future separation of the original farm residence located at [4239 Oak Park Rd](#) (owned by James Kessler). There have been other instances in the town of Deerfield where maximizing allowable density has resulted in problems for the owners of the original farm residence who may subsequently seek to separate the home onto a smaller parcel for better financing terms or to facilitate sale of agricultural land.

Town plan policies prohibit development in wetland or floodplain areas. As indicated above, about 25% of proposed lot 2 is within the 100 year floodplain Zone A (see map image, below). In addition, soils with hydric inclusions comprise the westerly half of the property. Such soils may not be suitable for installation of traditional on-site septic systems. Town plan policies discourage development on soils that are least suitable for basements with dwellings or on-site septic systems (see attached map from town plan).



100 year floodplain

Policies:

1. Guide the location and design of development to minimize any adverse impact on the quality of surface waters, aquifers, wetlands, steep slopes, woodlands, and agriculture.
2. Prohibit development or other destructive activities in the wetland and floodplain areas of the Town.
3. Utilize natural drainage patterns and measures which control the quality and quantity of stormwater leaving any site, and work with the Village and neighboring jurisdictions on joint stormwater management planning. Continue to help enforce the County's Stormwater Management Ordinance.
4. Preserve wetlands and woodlands as essential components of the hydrologic system and as valuable wildlife habitat and restore degraded resources where possible.
5. Protect natural landscape features such as woodlands, wetlands, floodplain areas, streams, lakes, and steep slopes and emphasize their value to the community as potential focal points of natural beauty and recreation.
6. Direct proposed development in areas where soil characteristics are compatible with the proposed development. Soil characteristics generally incompatible with development include hydric soils, wetlands, Group I and II soils, soils with low or very low suitability for dwellings with basements, and soils least suitable for on-site waste disposal systems, as described and depicted on maps in this plan.
7. Discourage and, where possible, prevent the filling or developing of wetlands and floodplains.

Excerpt from Town of Deerfield Natural Resource policies

Staff has concerns that the proposal as presented is inconsistent with town plan policies. Staff recommends that the petition be postponed at the 9/28 public hearing to provide an opportunity to review and resolve the concerns with the applicant and town.

STAFF UPDATE: In response to the concerns raised by staff, the applicant has revised the proposal to just a single 4.6 acre RR-4 zoned lot (the northerly proposed lot).

The revised proposal avoids the sensitive environmental features located elsewhere on the property. One density unit ("split") will also remain available to Mr. Pierce.

Staff recommends approval of the petition with the following condition to reflect the modified proposal and the town's conditional approval.

1. The petition shall be amended to just a single ~4.6 net acre RR-4 parcel as shown in the surveyor's map dated 12/6/21.

Any questions about this petition or staff report please contact Majid Allan at (608) 267-2536 or allan@countyofdane.com

TOWN: Approved with a condition: "Petition has been modified from original request to only be one lot of approximately 4.9 acres."

