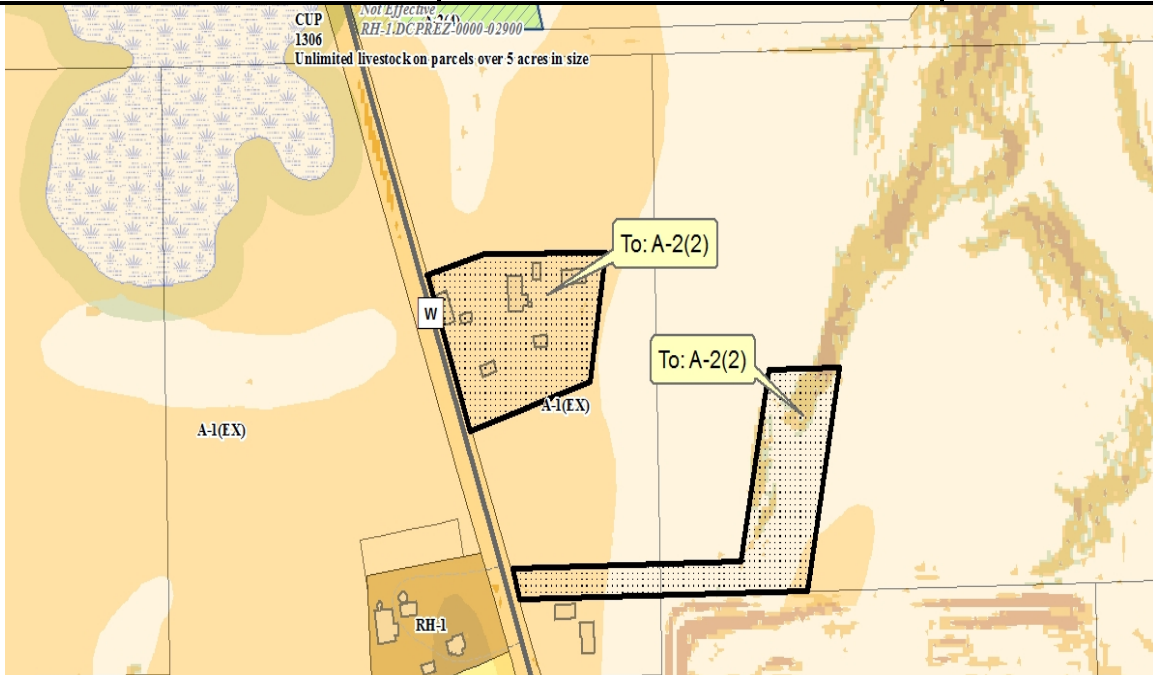




# Staff Report

<b>Zoning and Land Regulation Committee</b>	<b>Public Hearing: February 28, 2017</b>	<b>Petition: Rezone 11094</b>
	<b>Zoning Amendment: A-1EX Exclusive Agriculture District to A-2(2) Agriculture District</b>	<b>Town/sect: Christiana Section 30</b>
	<b>Acres: 5.9 Survey Req. Yes</b>	<b>Applicant Julie M Dieterle</b>
	<b>Reason: Separating existing residence from farmland and creating a new residential lot</b>	<b>Location: 1952 County Highway W</b>



**DESCRIPTION:** Applicant proposes to separate the existing farm residence and buildings from the surrounding farmland, and to create a new ~3 acre A-2(2) zoned parcel for future development.

**OBSERVATIONS:** The proposed A-2(2) parcel for the existing residence and buildings consists of 100% class II soils. The proposed A-2(2) parcel for a new residence consists of approximately 10% class II soils. A small area of steep slope topography is located at the northern edge of the new building site. A non-conforming mineral extraction site is located immediately adjacent to the proposed new A-2(2) parcel/building site.

**COUNTY HIGHWAY:** County Highway W is not a controlled access highway. Any changes in use of the access points or location requires a permit from the department. Joint access will be required where possible. It is suggested to contact the Highway Department prior to any development occurring on the property.

**DANE COUNTY WATER RESOURCE ENGINEERING DIVISION:** The leg section of the flag lot may need to be widened to accommodate the storm water management requirements for the future driveway. An engineer should review the narrow area to see if it can accommodate storm water management features.

**DEPT. OF HEALTH:** The Department of Health does not have any information regarding the location of the on-site septic system. The Department is requesting that the septic system be shown on the proposed CSM and the system be contained within the property boundaries.

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

**RESOURCE PROTECTION:** No resource protection corridors located on the property.

Continued on next page.

**STAFF:** As indicated on the attached density study, the property remains eligible for two possible density units / splits. Separation of the existing residence and buildings does not count toward the density limitation of 1 lot or dwelling unit per 35 acres owned as of May 3, 1979.

Staff has concerns about the proposed new building site being located in close proximity to an existing, non-conforming and operational mineral extraction site. In addition to truck traffic, noise, dust, early morning and nighttime operations, the mineral extraction use involves blasting, which can be a further nuisance to neighboring residential uses. Staff have received multiple complaints regarding the mineral extraction operation from neighboring residents over the years. Siting new residential development adjacent to the quarry could result in future complaints.

The town of Christiana plan acknowledges the potential for nuisance complaints from siting incompatible uses near one another. The plan includes the following policies regarding development near existing mineral extraction sites:

“3. Discourage development that would conflict with existing mineral extraction operations.” (town plan, Ag, Natural, and Cultural Resources Element, page 28).

“13. ...The Town shall discourage non-farm residential development near existing or proposed mineral extraction operations. Where any residential development request is made within one half mile of a mineral extraction site, a warning will be placed on the deed noting that mineral extraction may occur at some point in the future.” (town plan, Land Use Element, page 41).

The length of driveway needed to access the buildable area of the proposed new parcel would be over 800'. The town driveway ordinance limits the length of new driveways to 300'. It's unclear if the applicant has filed a request with the town for a waiver of that limitation.

The proposed separation of the existing residence and buildings is consistent with town plan policies. The proposed new parcel / building site, however, appears to be inconsistent with town plan policies. There appear to be other, potentially more suitable building sites located north of the existing farm residence.

Should the town of Christiana support the proposal, staff recommends that a note be included on the CSM, or a separate Notice document recorded on the property, indicating that the property is located adjacent to a non-conforming mineral extraction operation, where blasting and other potential nuisances occur.

**2/28 ZLR:** Postponed due to no town action.

**TOWN:** Approved conditioned upon language being added to the lot identifying the adjacent quarry and a driveway permit is needed from the Town having the driveway design include bump-outs.

**Staff Update:** There are two outstanding items that need to be address regarding this petition.

Stormwater management issue: If approved without a stormwater management plan, staff suggests widening the driveway area to 200 feet to facilitate the potential stormwater management devices (retention pond).

Development adjacent to an active non-conforming quarry:

If approved by the ZLR Committee, Staff suggests that a deed restriction being place on the property to acknowledge that the residential home site is adjacent to an active gravel quarry. "The landowner or future landowner understands that the quarry activity involves blasting, heavy vehicle and equipment use, noise, dust, and operation during the evening or early in the morning, that maybe of nuisance. The landowner owner or future landowners understand and accept the adjacent quarry land use and further agree not to file claims regarding the quarry activity as being a nuisance."