

**Staff Report**



**Zoning and  
Land Regulation  
Committee**

**Questions? Contact:  
Majid Allan – 267-2536**

*Public Hearing:* **May 12, 2020**

*Zoning Amendment Requested:*

**FP-35 (General Farmland Preservation) District TO FP-B (Farmland Preservation - Business) District**

*Size:* **75.76 Acres**

*Survey Required:* **No**

*Reason for the request:*

**Accommodate current and future agricultural business uses**

**Petition 11527**

*Town/Section:*

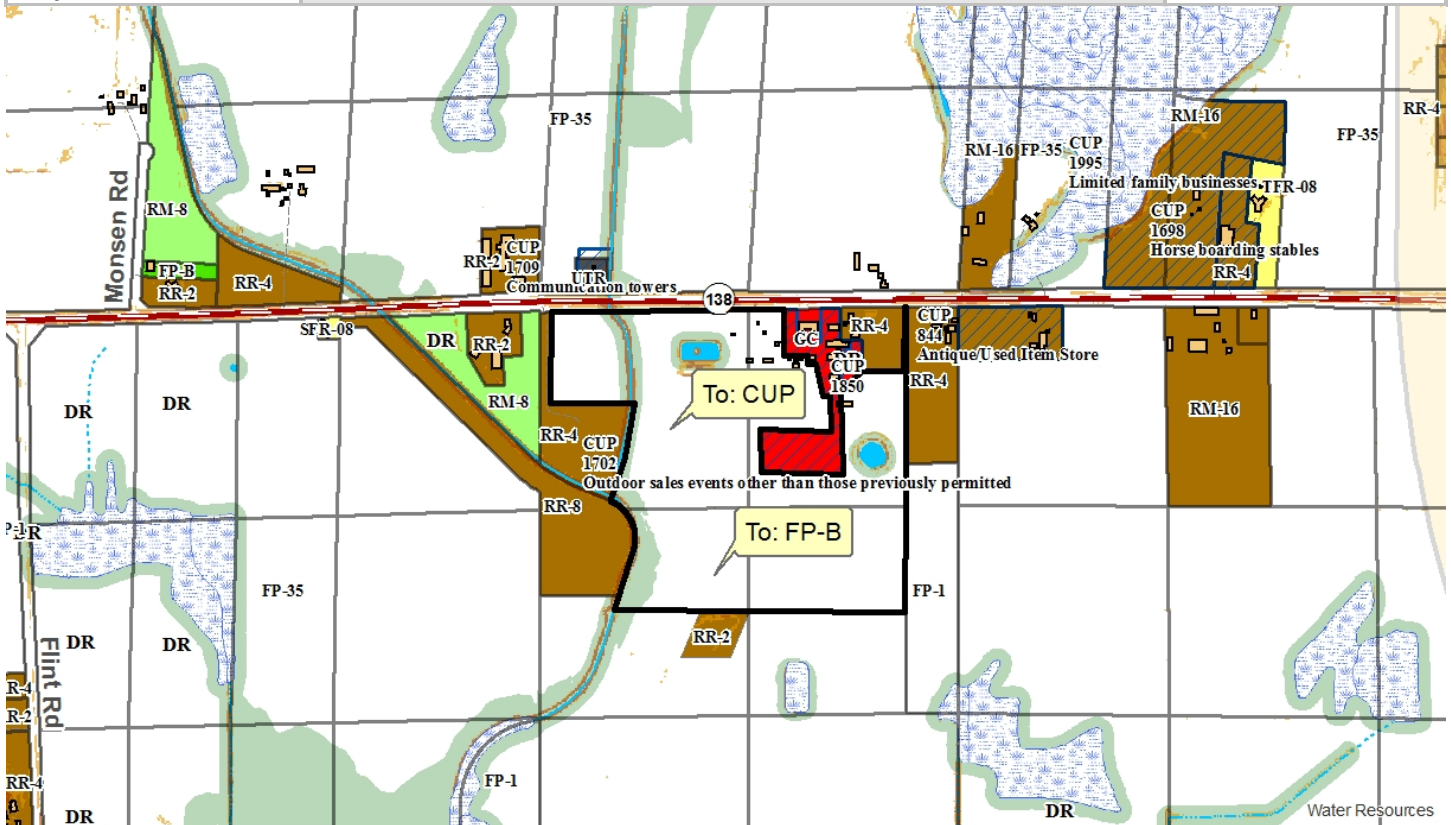
**RUTLAND, Section 10**

*Applicant*

**JOSEPH PATRICK  
EUGSTER**

*Address:*

**3865 STATE HIGHWAY  
138**



**DESCRIPTION:** Applicants own and operate Eugster’s Farm Market & Petting Farm and request FP-B (Farmland Preservation – Business) zoning on 75 acres of the larger 300+ acre farm property to accommodate existing agricultural uses, as well as expansion of agricultural business / entertainment uses. A separate Conditional Use Permit request is being made under petition #2493.

**OBSERVATIONS:** Existing use of the property is agriculture. Surrounding land uses include agriculture / open space, and scattered rural residences. The Oregon Branch of the Badfish Creek runs along the western boundary of the property with associated shoreland and floodplain area. A related tributary also bisects the north-western corner of the property. No other sensitive environmental features observed.

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

**RESOURCE PROTECTION:** Narrow bands of resource protection corridor associated with the perennial streams are located along the western portion of the property. There is no new development proposed that would impact the resource protection corridors.

**STAFF:** The proposed rezoning to FP-B would accommodate current and planned future expansion of the agricultural business uses and appears reasonably consistent with town plan policies. Note that more intensive agricultural-related business uses – e.g., stock yards, livestock auction facilities, composting facilities – require application for and approval

of a Conditional Use Permit. The applicants have also filed CUP petition #2493 requesting approval of a conditional use permit to allow agricultural entertainment and related activities. Staff recommends approval of this rezoning petition with the following conditions. Note that these are inclusive of the town conditions.

1. Applicant shall record a deed restriction on the FP-B zoned property to limit the use of the property to exclusively the following:
  - a. Selling agricultural related products such as fruits, vegetables, bedding plants, flowers, Christmas trees, dairy products, meats and eggs.
  - b. Selling retail items such as pop, candy, agricultural toys, country crafts, candles, Halloween items, and country apparel such as sweaters, t-shirts and sweatshirts.
  - c. Selling bakery items and having a limited café service that might include such as items as chili, soup, barbeques, hot dogs or deli sandwiches.
  - d. Agricultural uses and agricultural entertainment activities.
  - e. Sound amplification shall be limited to the decibels of the human voice (60 decibels) as measured at the property line.
2. Other conditional uses will be subject to Town Board approval.

**TOWN:** Approved with the following conditions:

The existing deed restrictions on the general commercial zoned property are extended to the new FP-B land as follows:

1. Limit the use of the property to exclusively the following:
  - a. Selling agricultural related products such as fruits, vegetables, bedding plants, flowers, Christmas trees, dairy products, meats and eggs.
  - b. Selling retail items such as pop, candy, agricultural toys, country crafts, candles, Halloween items, and country apparel such as sweaters, t-shirts and sweatshirts.
  - c. Selling bakery items and having a limited café service that might include such as items as chili, soup, barbeques, hot dogs or deli sandwiches.
2. Other conditional uses will be subject to Town Board approval.
3. Sound amplification shall be limited to the decibels of the human voice (60 decibels) as measured at the property line.