



Staff Report

Public Hearing: **January 23, 2018**

Petition: **Petition 11234**

Zoning Amendment:
**TO , A-1EX Agriculture District
TO RH-1 Rural Homes District**

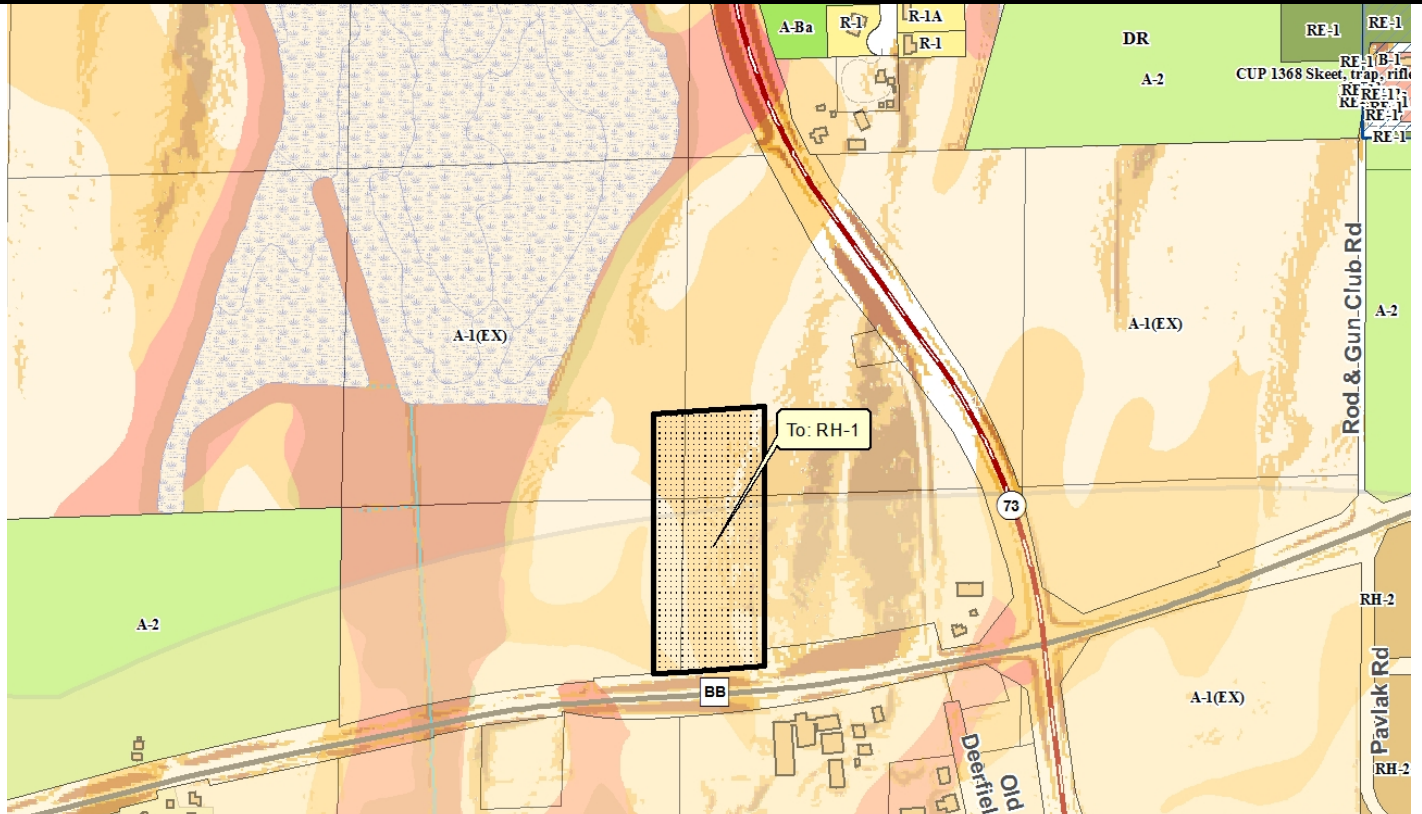
Town/sect:
DEERFIELD, Section 9

Acres: ,10.06
Survey Req. Yes
Reason:
CREATING 4 RESIDENTIAL LOTS

Applicant
**DEERFIELD HEIGHTS
LLC**

Location:
**NORHT OF COUNTY
HWY BB**

Zoning and Land Regulation Committee



DESCRIPTION: Applicant proposes to create 4 new residential lots on a largely wooded portion of the ~270 acre farm. The 4 lots would stacked vertically, and share a single driveway access onto County Highway BB. Proposed lots 1 and 4 would have frontage onto County Highway B. Lot 1 would total approximately 3.5 acres, while lots 2-4 would each be roughly 2 acres. See attached preliminary Certified Survey Map for proposed lot design.

OBSERVATIONS: Surrounding land uses are agricultural, open space, and scattered rural residential. A large dairy farm is located directly south of Highway BB. Class II agricultural soils are present across ~90% of proposed lot 4. An area of steep slope topography of approximately 12% grade is present on the easterly portion of the property.

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

RESOURCE PROTECTION: No areas of resource protection corridor located on the property.

COUNTY HIGHWAY DEPT: A highway access permit has been obtained to allow access onto Hwy BB for 4 residences

STAFF: As indicated on the attached density study report, the property remains eligible for a total of 7 splits / density units. The proposal would involve a shared driveway access easement agreement, and the applicant has been informed of the need to submit a formal request for an exception to the 66' of road frontage requirement, as well as delineation of the proposed driveway to service the 4 lots. Town plan policies support the use of shared driveways.

Staff comments continued on page 2, below.

STAFF Continued:

As noted above, there is an existing dairy farm located just south of the subject property on CTH BB. There is a potential for significant nuisance complaints from future owners of the proposed residential lots due to odors, farm implement traffic, and other normal activities associated with dairy operations.

Town plan policies acknowledge the potential for conflicts between rural residential uses and agricultural operations. Where possible, the plan calls for the use of screening or other measures to mitigate the potential for such conflicts. However, short of completely relocating the residential lots to a different area of the property, there do not appear to be any particularly viable options to mitigate the potential for nuisance complaints.

In lieu of mitigation measures, consideration should be given to requiring that adequate notice be provided that the property is located in an area of active agricultural operations. Staff recommends that such notice be provided with the following notation on the Certified Survey Map:

"This land is located in a predominantly farming district and purchasers are put on notice that noises, smells, and nuisances associated with permitted traditional and normal farming practices such as animal husbandry, pesticide spraying, fertilization, and crop cultivation, and harvesting are likely to occur on nearby and adjacent parcels."

The above statement could alternatively be included in a separate Notice document.

1/23 ZLR MEETING: The petition was postponed due to no town action.

TOWN: Approved with no conditions.

NOTICE:

The Town's Zoning District Maps will be revised at the end of the year as part of a zoning code update. Established zoning will be updated to the most similar zoning district.

The **RH zoning** will be automatically changed to the **RR district**.

See update info at: https://plandev.countyofdane.com/zoning/comprehensive_revision_special_projects.aspx