
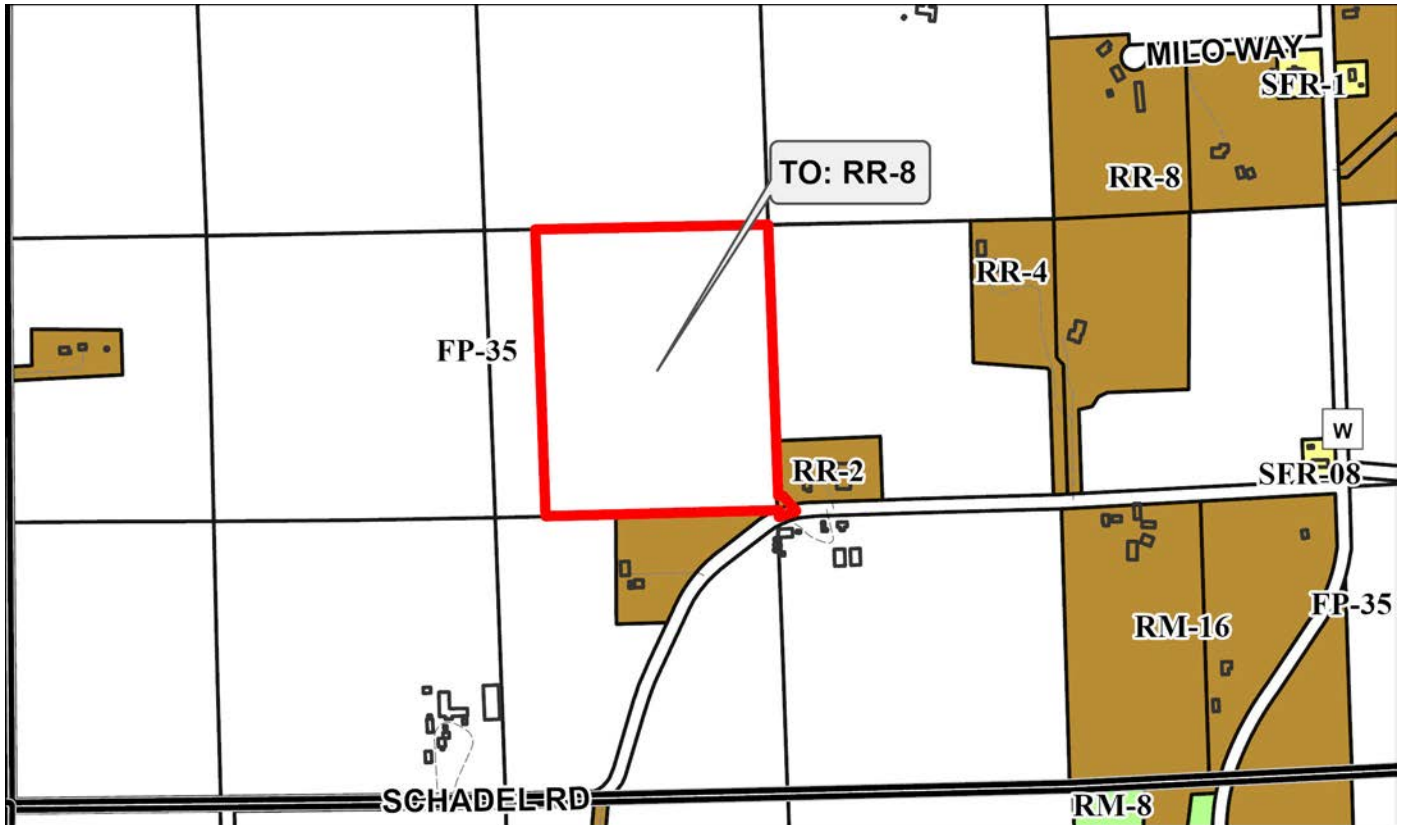


<b>Staff Report</b>  <b>Zoning &amp; Land Regulation Committee</b>	<u>Public Hearing:</u> <b>October 22, 2024</b>		<b>Petition 12110</b>
	<u>Zoning Amendment Requested:</u> <b>RR-2 Rural Residential District TO RR-8 Rural Residential District, FP-35 Farmland Preservation District TO RR-8 Rural Residential District</b>		<u>Town, Section:</u> <b>DEERFIELD, Section 31</b>
	<u>Size:</u> <b>0.1,33.5 Acres</b>	<u>Survey Required:</u> <b>Yes</b>	
	<u>Reason for the request:</u> <b>Creating 3 residential lots</b>		<u>Applicant:</u> <b>SKAAR JT REV LIVING TR, DUANE L &amp; DOROTHY J</b>
			<u>Address:</u> <b>1384 SCHADEL ROAD</b>



**DESCRIPTION:** Dorothy Skaar proposes to create three new residential lots with RR-8 zoning, as part of family estate planning. A certified survey map (CSM) would create the lots, and would modify the boundaries of an existing residential CSM lot (1384 Schadel Road, zoned RR-2) in order to provide shared access drive for all four lots.

**OBSERVATIONS:** The proposed lots conform to the zoning district requirements including minimum lot size, building coverage and building setbacks. The CSM includes the existing RR-2 lot that is being modified, and creates at least one 66' wide area of road frontage for a shared access drive for all the new lots (which is subject to town approval). Because the County land division ordinance s. 75.19(8) requires the easement be at least 66' wide for the entire length of the shared driveway, a detail was requested to verify compliance with this ordinance requirement (applicants provided this, see preliminary CSM file named "Slope and lot width detail").

The atypical shape of proposed Lots 1 and 2 is due to the need to provide 5' of clearance around the existing septic system vents. The existing septic system is in close proximity to the proposed lot line. Applicants have provided details to show that the proposed property line complies with this septic requirement.

The proposal contains steep slope topography that exceeds 30% grades, and the town land use plan contains policies restricting development on steep slopes. Septic systems may be difficult to locate due to the slopes on the property. Staff requested more information to show compliance with town policies. The applicants provided a detail that identifies slopes over 20%; they intend to restrict those steep slope areas from development (see "Slope and lot width detail").

The property is located roughly one mile away from an active quarry site to the northeast across Highway 12/18.

Property is subject to the Village of Deerfield's extraterritorial jurisdiction for the land division review.

**COMPREHENSIVE PLAN:** The property is located in the town's agricultural preservation area where the density of nonfarm development is limited to 1 dwelling unit per 35 acres owned as of 10/26/1978. As indicated on the attached density study report, the property remains eligible for 3 density units (a/k/a "splits"). This petition would exhaust the remaining density units on the property. In accordance with relevant comprehensive plan policies, a deed restriction prohibiting further development or land division is recommended as a condition of rezoning approval.

Note that the town counts separation of farm residences onto parcels less than 35 acres in size as a split against the density limitation. If this petition is approved, the existing farm residence at 1466 Schadel Road would not be able to be separated in the future.

The property has limited frontage onto Schadel Road and access would be via shared driveway easement. Town comprehensive plan policies allow for shared access via easement in lieu of direct road frontage. The applicant needs to request either a waiver from the subdivision code's 66-foot road frontage requirement, or an exception as provided for under [75.19\(8\) of the code](#) (an exception is requested).

As noted above, the property contains steep slope topography. The town plan acknowledges that slopes between 12%-20% grade present challenges for development. Slopes over 20% are not recommended for development. See box at right for relevant excerpts from the town plan.

Appropriate conditions of approval regarding siting development outside the steep slopes will be needed for this petition to be consistent with comprehensive plan policies. See below.

For questions about the comprehensive plan, please contact Senior Planner Majid Allan at (608) 267-2536 or [Allan.Majid@danecounty.gov](mailto:Allan.Majid@danecounty.gov).

**RESOURCE PROTECTION:** There are no sensitive environmental features on or within 300 feet of the subject property (proposed new lots). Steep slopes are discussed above.

**TOWN ACTION:** The Town Board recommended approval of the petition with no conditions.

**STAFF RECOMMENDATION:** Pending any comments at the public hearing, staff recommends approval subject to the CSM being recorded and the following conditions:

1. Property owner shall record a deed restriction prohibiting further nonfarm development on the balance of FP-35 zoned land (tax parcels 071231295001, 071231380007, and 071231395000).
2. A shared driveway easement shall be shown on the CSM, and a shared driveway easement agreement shall be recorded that addresses maintenance and owner responsibilities and meets the standards in DCCO s. 75.19(8).
3. Steep slope topography exceeding 20% grade shall be depicted on the CSM. A note shall be placed on the CSM which states: "No structural development or driveways are permitted on areas with slopes over 20% grade."

Please contact Rachel Holloway at (608) 266-9084 or [holloway.rachel@danecounty.gov](mailto:holloway.rachel@danecounty.gov) if you have questions about this petition or staff report.

*The Town generally advises that development on slopes of 15 percent or greater be avoided where practical, such as where other appropriate building sites with lesser slopes are readily available on the property.*

*The Town's driveway ordinance prohibits the disturbance of slopes greater than 25 percent and requires an engineer's plan showing adequate erosion control measures for driveways which disturb slopes between 20 and 25 percent. The maximum grade of a finished driveway may not exceed 13 percent.*

# Slopes exceeding 30% grade

