
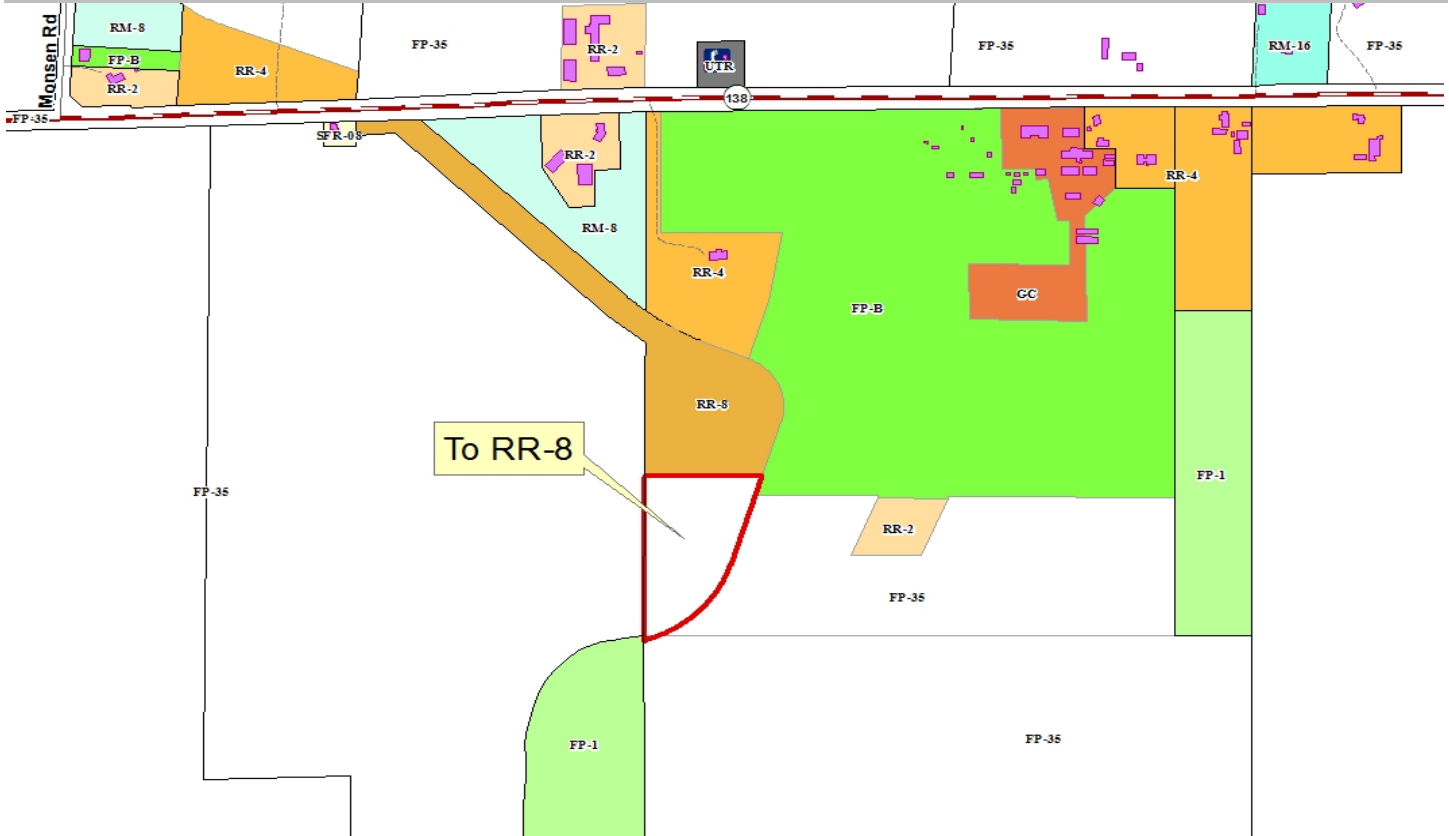


Staff Report  Zoning and Land Regulation Committee	Public Hearing: June 27, 2023	Petition 11949
	Zoning Amendment Requested: FP-35 Farmland Preservation District TO RR-8 Rural Residential District	Town/Section: RUTLAND, Section 10
	Size: 6.85 Acres	Survey Required. Yes
	Reason for the request: Creating one residential lot	Applicant JOSEPH PATRICK EUGSTER Address: SOUTH OF 3939 STATE HWY 138



DESCRIPTION: Joseph Eugster would like to rezone 6.85 acres from FP-35 to RR-8 in order to create a new residential lot. The proposal would create a second lot 11.6 acres in size to the south of an existing RR-8 lot, while adjusting the existing lot’s boundary to make it smaller. This would also detach the last of the Eugster farm land that remains west of Badfish Creek from the rest of the farm land located east of the creek.

OBSERVATIONS: Eugster owns roughly 306 acres adjacent to Highway 138. As shown in the preliminary certified survey map (CSM), both of the proposed lots would have a “flag” configuration, each with its own public road frontage and a narrow “flag pole” extending southward. The flag pole portion of Lot 1 would be 65’ wide. This layout would meet County requirements for public road frontage; however, it would require a waiver to the County ordinance requirement for a minimum 66’ lot width as part of the CSM review process.

Both Lots 1 and 2 would be served by a new shared driveway and access easement for access to State Highway 138. The driveway would use one of the existing access easements established by WisDOT (Access #49, an unrestricted private driveway per Document No. 3934510). Where Lot 1 widens, the proposed easement is wider to accommodate the shared driveway without disturbing the existing tree line that runs along the west edge of the property.

COMPREHENSIVE PLAN: The property is located in a designated agricultural preservation area where the density of nonfarm development is limited to 1 nonfarm use per 35 acres of land owned as of June 7, 1978. As indicated on the attached density study report, the Eugster property remains eligible for 4 density units. The proposed new building site

is located on marginal farmland and adjoins a previously approved site and would share driveway access to State Highway 138. Pending any concerns expressed by the town during the course of its review, or at the ZLR public hearing, the proposal appears reasonably consistent with comprehensive plan policies. (For questions about the town plan, contact Senior Planner Majid Allan at (608) 267-2536 or allan@countyofdane.com)

RESOURCE PROTECTION: Resource protection corridor is mapped on site which reflects the Badfish Creek floodplain and 75' buffer from the creek per Dane County shoreland & wetland zoning. All structures will be required to be at least 75' from both the ordinary high water mark of the creek. Hydric soils are present in the south end of the property; the applicants have provided a wetland delineation to verify no wetlands are present on site. Because the site is in the shoreland zone, any disturbance requires a shoreland erosion control permit.

TOWN ACTION: On June 7, 2023 the Town Board recommended approval of the rezone subject to the following:

1. The CSM shall identify a buildable area that is outside of sensitive environmental features, to ensure compliance with applicable floodplain and wetland setbacks and
2. It is noted that this petition uses one of the remaining 4 eligible splits leaving three eligible splits.
3. To require the addition of a recordable driveway easement document.

STAFF RECOMMENDATION: Staff recommends postponement at this time, due to no town action per ZLR Committee adopted rules and procedures.

As noted above, the density study confirms that there are development rights available to create the new lot. The applicants are in the process of requesting a waiver from Dane County for the substandard lot width for Lot 1. Pending any comments at the public hearing, staff recommends approval subject to the recording of the CSM for the new lot configuration, and the following conditions:

1. The CSM shall identify a buildable area that is outside of sensitive environmental features, to ensure compliance with applicable floodplain and wetland setbacks.
2. A joint driveway easement agreement document shall be prepared and recorded with the Register of Deeds.

Any questions about this petition or staff report please contact Rachel Holloway at (608) 266-9084 or holloway.rachel@countyofdane.com