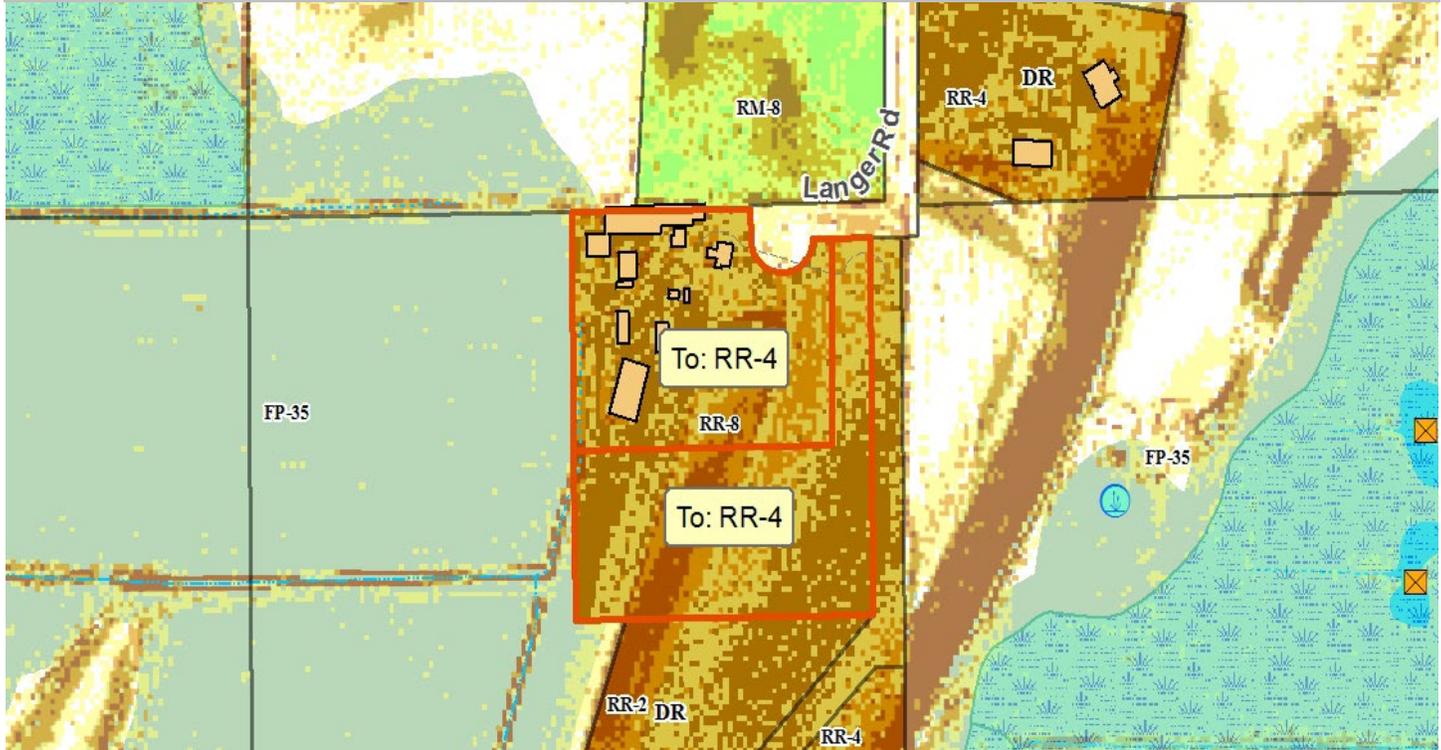


Staff Report  Zoning and Land Regulation Committee	<i>Public Hearing:</i> January 25, 2022		Petition 11796
	<i>Zoning Amendment Requested:</i> RR-8 Rural Residential District TO RR-4 Rural Residential District		<i>Town/Section:</i> MEDINA, Section 20
	<i>Size:</i> 10 Acres	<i>Survey Required:</i> Yes	
	<i>Reason for the request:</i> Creating one residential lot		<i>Applicant</i> SCOTT & CARLA FISCHER
			<i>Address:</i> 5408 LANGER ROAD



DESCRIPTION: The applicant wishes to subdivide a 10 acre single-family residential lot into two 5-acre residential lots by transferring a development right from another property.

TOWN PLAN: The subject property is in the Agricultural Preservation land use district. The current town plan does not allow for a transfer of a development right (TDR), for transfers between unrelated land owners. This petition would require that ability. Although there is another farm that is owned by someone in the family, that farm is not in the same ownership.

RESOURCE PROTECTION: There are hydric soils on the property which would require identification an appropriate location of the building envelop for the house and any other residential accessory structures.

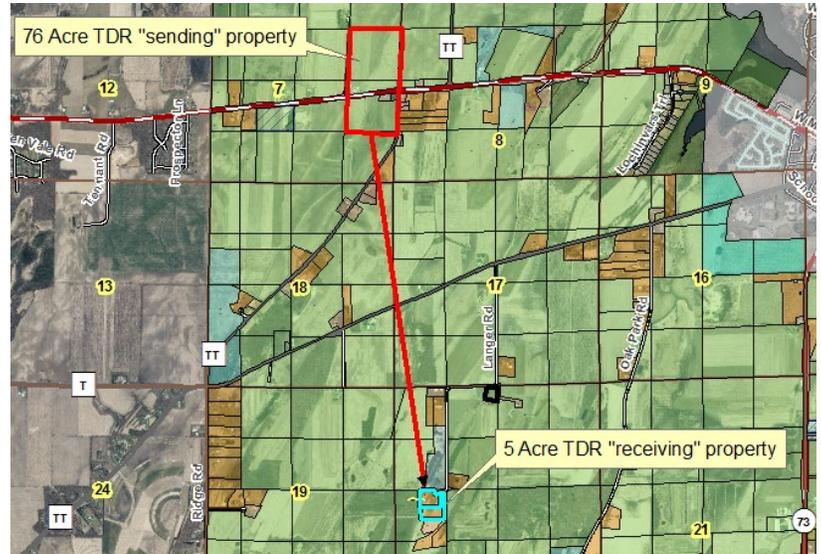
STAFF: Staff recommends postponement.

STAFF UPDATE 7/20/22: This petition was postponed at the January 25th ZLR Public Hearing due to no town action and because the proposal would require a Transfer of Development Rights (TDR), something not supported by the town plan at the time the petition was first presented. The town has since updated its comprehensive plan to include a TDR policy. The town plan is slated for county adoption in September.

This proposal would entail transferring a density unit ("split") from the applicant's relatives (Skalitzky) who own a ~76 acre farm ("sending property") at 1376 State Highway 19 approximately 1.85 miles northwest of the subject property ("receiving property").

The TDR policy supports transfers of density units that would result in the preservation of large tracts of quality farmland and the clustering of residential development in/near areas of existing development.

The proposed sending property consists of approximately 60% class I, II, and III agricultural soils. The proposal appears reasonably consistent with town plan policies.



Staff recommends approval of the petition with the following conditions (note that these recommendations incorporate/meet the town's conditional approval requirements):

1. Amend the petition to apply the TDR-S (Sending Area) overlay zoning district to the sending area property (tax parcels 081207195001 and 081207480010).
2. Amend the petition to apply the TDR-R (Receiving Area) overlay zoning district to the subject property (Lot 1 CSM 7084 / tax parcel 081220385101).
3. Applicant shall record an agricultural conservation easement with the Register of Deeds office that meets the requirements of [section 10.304\(4\)\(b\)](#) of the county zoning code on tax parcels 081207195001 and 081207480010.
4. Applicant shall record a TDR-R notice document on the RR-4 zoned property indicating that the additional residential lot was established as the result of a Transfer of Development Rights.

Any questions about this petition or staff report, please contact Majid Allan at (608) 267-2536 or allan@countyofdane.com

TOWN: At their January 11th Plan Commission and at the January 12th Board meeting, the town tabled this application until their comprehensive plan update is complete.

TOWN UPDATE: The town has completed and adopted its plan update which includes a TDR policy that allows transfers between different land owners. The town approved the petition with the following conditions. Please note that these conditions are reflected in the staff recommendations, above.

- A) In order to transfer development rights from Skalitzky Acres LLC in the TDR-S overlay district, Skalitzky Acres LLC must record a TDR Conservation Easement with the Dane County Register of Deeds.

Conservation easements must:

- Meet all the requirements of ss. 10.01(75m) and 10.158(3)(b), Dane County Code;
- Specify the number of development rights being sent from Skalitzky Acres LLC;
- Specify the number of development rights (if any) remaining on Skalitzky Acres LLC; and
- Include the Town of Medina and Dane County as co-holders of the easement.

- B) Landowners of the Skalitzky Acres LLC parcel and of the proposed vacant RR-4 parcel each must record deed notices with the Dane County Register of Deeds.