


| | | | |
|---|--|------------------------------------|--|
| Staff Report  Zoning and Land Regulation Committee | <i>Public Hearing:</i> October 25, 2022 | | Petition 11898 |
| | <i>Zoning Amendment Requested:</i> FP-35 Farmland Preservation District TO RR-4 Rural Residential District | | <i>Town/Section:</i> YORK, Section 9 |
| | <i>Size:</i> 4.25 Acres | <i>Survey Required:</i> Yes | <i>Applicant</i> STEVEN & PAUL WOLFE |
| | <i>Reason for the request:</i> Creating one residential lot | | <i>Address:</i> 7557 STATE HWY 73 |



DESCRIPTION: Applicants Steven and Paul Wolfe want to create a 4.25-acre lot for a single-family residence from the existing 75-acre farm tract they own south of CTH V. The remaining acreage will remain in crop production. The proposed lot would require a transfer of development rights, which would come from another tract that the Wolfes own north of CTH V.

OBSERVATIONS: The site is currently vacant, with a wooded area and cropland. There is an existing agricultural driveway and the applicant has been working with WisDOT to obtain a permit for a new residential driveway (change of use) off of State Highway 73, but as of the time of writing the permit has not yet been obtained.

The site contains hydric soils. A wetland delineation was done and the report provided as part of this petition confirmed the wetland extent is smaller than what WDNR Wisconsin Wetland Inventory maps show (see Stantec maps in the ZLR meeting packet). The proposed lot is located on mostly Class 2 soils.

The property is subject to a deed restriction (DR 9768 from 2008) which was recorded when CSM 12381 created the RH-1 residential lot on the adjacent 40 acres to the north. See Town Plan comments below.

TOWN PLAN: The subject property is located in the *Agricultural Preservation* land use area of the town of York plan. The plan utilizes a density policy of 1 development right per 75 acres owned as of September 10, 1979. Creating a residential

lot will require the use of a development right. The town plan also allows limited transfers of development rights from one farm to another that are in common ownership. In this case, the applicant is transferring the only remaining development right from a farm in Section 4 (the "Beitz" farm). This proposal is consistent with the town and county Comprehensive Plans.

In order to effectuate the transfer, the applicant must file a deed notice. The notice provides information about where the development right is being sent (receiving property), with reference to the sending property. And finally, because this proposal will use the one and only development right associated with the TDR sending farm, a deed restriction against further development must be placed on that property. (For questions about the town plan, contact Senior Planner Alexandra Andros at (608) 261-9780 or andros@countyofdane.com)

RESOURCE PROTECTION: Resource protection areas are mapped on site which reflect the 75' setback from DNR-mapped wetlands. All structures will be required to be setback at least 75' from the field-delineated wetland boundary. A building envelope must be provided that complies with these setbacks.

TOWN ACTION: On September 13, 2022 the Town Board recommended approval with the following condition:

- 1) 4.25 acres is to be split off of parcel 070/0912-091-9500-5 for a residential lot. A deed restriction is required from the remaining land.

The Town Plan Commission approved 4-0 with 2 abstentions; the Town Board approved 2-0 with 1 abstention.

STAFF RECOMMENDATION: Staff recommends postponement by the ZLR Committee until such time as the applicant obtains approval of the residential access from the Wisconsin DOT.

Pending WDOT approval of the access for residential use, Staff recommends approval of the petition with the following conditions of approval:

- 1) A certified survey map shall be recorded with the Register of Deeds for the new lot.
- 2) Owner shall record a deed notice on the proposed residential lot that indicates it was created by a transfer of development rights.
- 3) Owner shall record a deed restriction prohibiting nonfarm development on the balance of FP-35 zoned land (parcels 0912-044-9500-2 and 0912-044-9000-7).
- 4) The TDR-R (Transfer of Development Rights – Receiving) overlay zoning district shall be assigned to the proposed residential lot.
- 5) The TDR-S (Transfer of Development Rights – Sending) overlay zoning district shall be assigned to the sending property (parcels 0912-044-9500-2 and 0912-044-9000-7).

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