
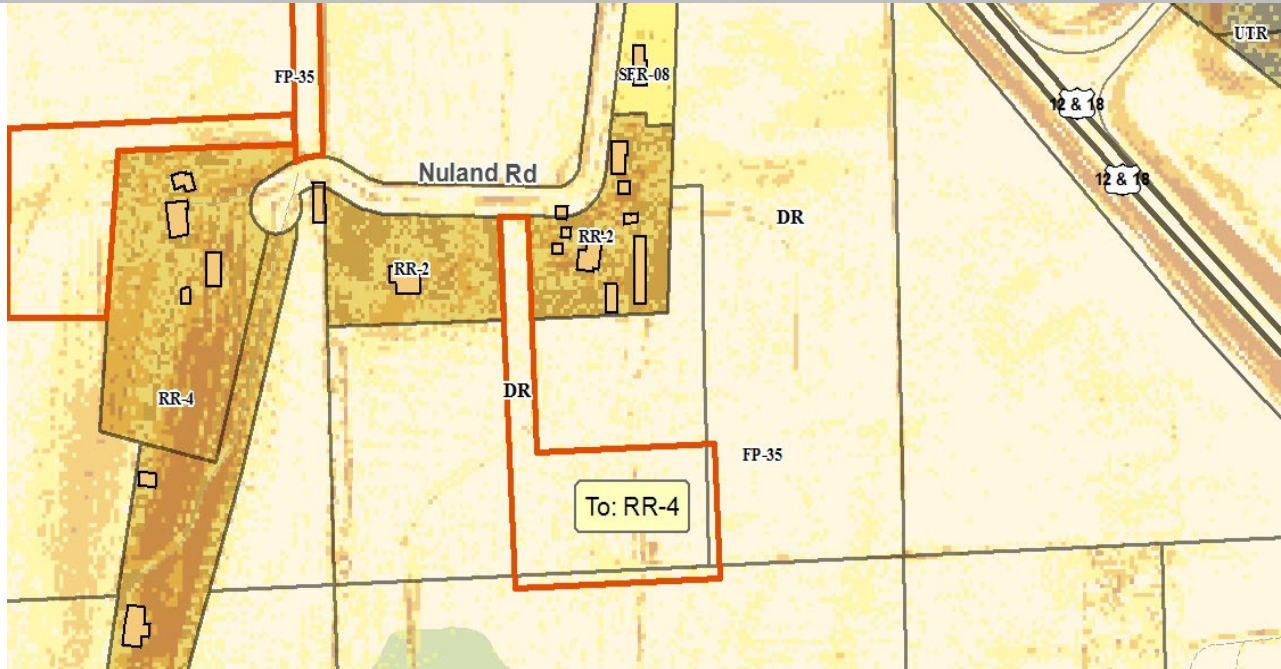


<b>Staff Report</b>    <b>Zoning and Land Regulation Committee</b>	<b>Public Hearing: July 27, 2021</b>	<b>Petition 11723</b>
	<b>Zoning Amendment Requested:</b> <b>FP-35 Farmland Preservation District TO RR-4 Rural Residential District</b>	<b>Town/Section:</b> <b>DEERFIELD, Section 33</b>
	<b>Size: 4 Acres</b>	<b>Survey Required. Yes</b>
	<b>Reason for the request:</b> <b>Creating one residential lot by transferring a development right.</b>	
		<b>Address:</b> <b>EAST OF 983 NULAND ROAD</b>



**DESCRIPTION:** Applicant proposes to create a new 4 acre RR-4 zoned parcel for new development by transferring a density unit from a ~160 acre farm owned by Duane & Dorothy Skaar in section 31.

**OBSERVATIONS:** Existing land use of the property is agriculture / open space. Surrounding land uses are agriculture / open space and scattered rural residences. Property would be accessed by a ~600' long driveway to Nuland Road. The subject property exhausted the available density units and was subject to a deed restriction as a condition of approval of prior [rezone petition #11034](#). No sensitive environmental features observed on the property.

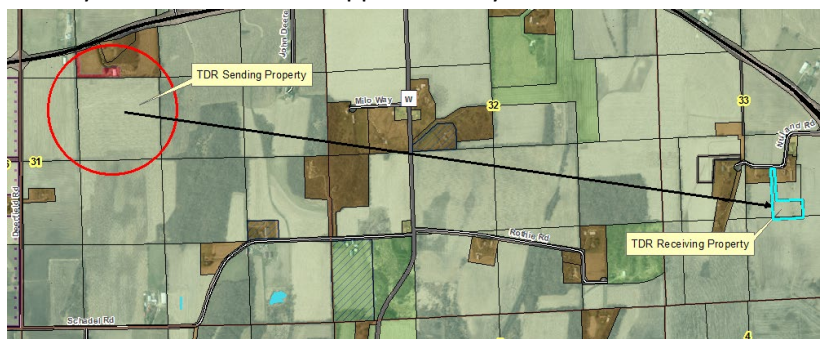
**TOWN PLAN:** The property is located in the town’s agricultural preservation area.

**RESOURCE PROTECTION:** No resource protection corridors located on the property.

**STAFF:** As noted above, the subject property is not eligible for any additional density units. Owners propose to transfer a development right from the ~160 acre Duane and Dorothy Skaar farm located approximately 2 miles to the west in section 31. The Skaar TDR “sending” property is eligible for 4 density units.

The graphic at right shows the relative location of the sending and receiving properties.

Town plan policies allow for transfers of development rights subject to certain standards and criteria (see attached and excerpt, below).



- Sending and receiving areas are not mapped or specified within the Town and may occur in any location, however any new receiving area development is limited to preserving the most productive agricultural land and in a manner that preserves the rural character of the Town using the following specific siting criteria (also see the Summary of the Town of Deerfield's Residential Development Policy):
  - Preferably outside of any Group 1 or 2 soils (Map 2)
  - Outside of steep slopes greater than 12% grade (Map 3b)
  - Outside of any environmentally sensitive areas, except forest cover (Map 3a)
  - Cluster dwelling units together onto adjacent new lots
  - Require lot design and layout for Town Review
    - The receiving parcel must have adequate road access and a suitable building site that would not result in a "flag lot" with a long driveway bisecting agricultural land. The proposed building site must conform to the Town's Development Siting Criteria within the Agricultural Preservation District.
  - Prior to the purchasing of development rights, at a minimum, a conceptual review of the proposed lot layout must be approved by the Town Plan Commission and Board for the receiving area.

The proposal appears to meet all but one of the town TDR policies. The policy at issue is the requirement that:

*"The receiving parcel must have adequate road access and a suitable building site that would not result in a 'flag lot' with a long driveway bisecting agricultural land."*

*Deerfield TDR Policy Excerpt*

The proposed new lot would in fact be a "flag lot" design, and it appears the driveway would be approximately 500-600' in length and cross an area of cropland. This issue was raised with the applicant in preliminary discussions. The applicant indicated that the selected building site was located in an area of comparatively poor cropland relative to the rest of the farm. It appears that the town considered this issue and determined that a flag lot design was reasonable under the circumstances.

Staff finds the proposal reasonably consistent with town plan policies. Pending any concerns that may be raised by neighboring residents at the July 27 public hearing, staff recommends approval of the petition subject to the following conditions:

1. A notice document shall be recorded on the RR-4 zoned property indicating that the lot was created as a result of a transfer of development rights.
2. The TDR-S Sending area overlay zoning district shall be applied to the ~160 acre Skaar farm in section 31 (tax parcels: 0712-314-8500-1, 0712-313-9500-0, 0712-313-8000-7, and 0712-312-9500-1).
3. The owner of the sending property shall record a deed restriction on a minimum of 35 acres of the property prohibiting non-farm development in accordance with town plan policies (tax parcel #0712-312-9500-1).

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

**TOWN:** Approved.