
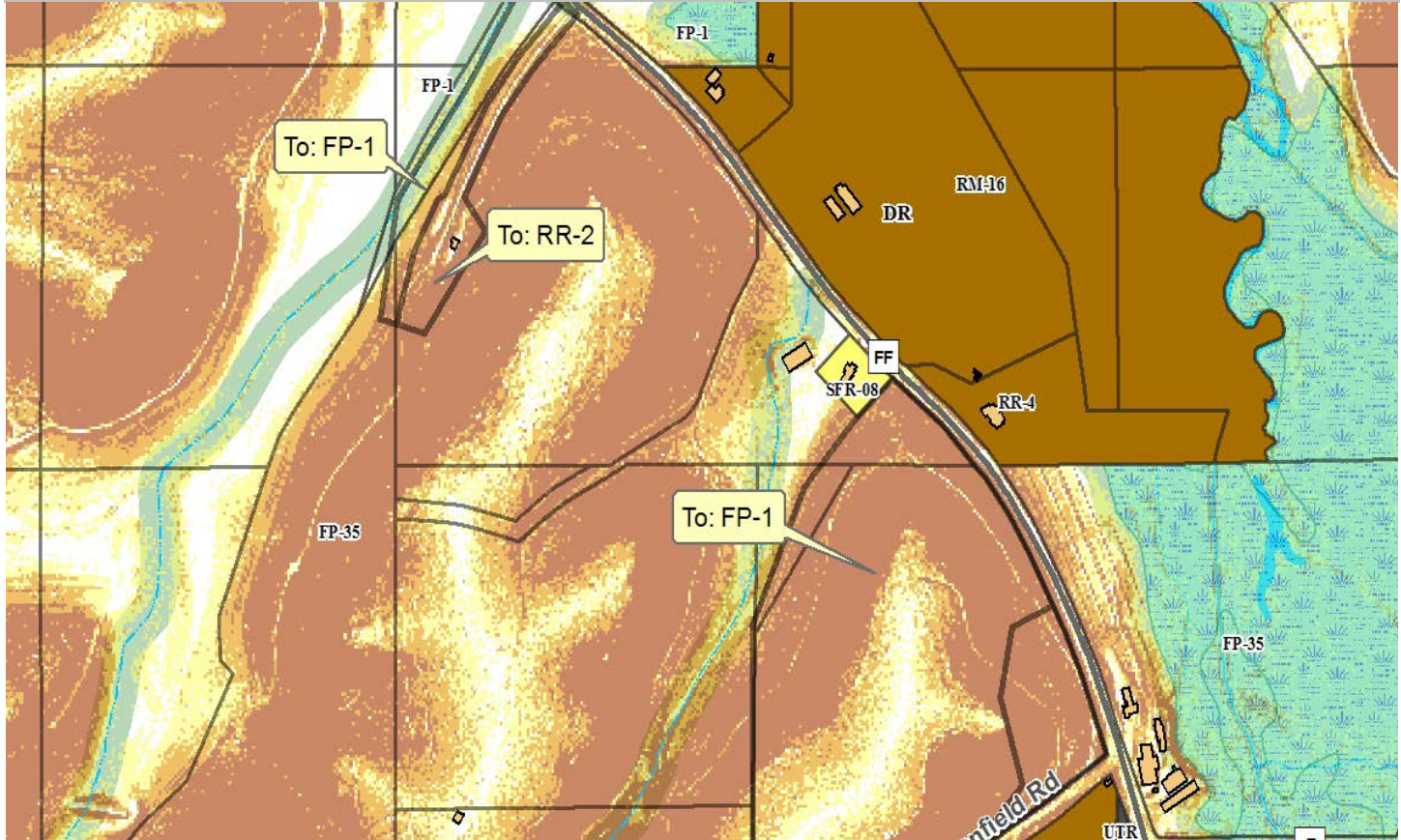


Staff Report  Zoning and Land Regulation Committee	Public Hearing: January 26, 2021		Petition 11642
	<u>Zoning Amendment Requested:</u> FP-35 Farmland Preservation District TO RR-2 Rural Residential District, FP-35 Farmland Preservation District TO FP-1 Farmland Preservation District		<u>Town/Section:</u> VERMONT, Section 6
	<u>Size:</u> 3.28, 2.97, 28.24 Acres	<u>Survey Required:</u> Yes	<u>Applicant:</u> DAVID L MOYER
	<u>Reason for the request:</u> Creating a residential lot for an existing house and creating two agricultural lots.		<u>Address:</u> NORTH AND SOUTH OF 4693 COUNTY HWY FF



DESCRIPTION: Landowner seeks to rezone 2.97 acres from the FP-35 zoning district to the RR-2 zoning district to create a residential lot for an existing home, and to rezone 3.28 acres and 28.24 acres from the FP-35 zoning district to the FP-1 zoning district to create two agricultural lots.

OBSERVATIONS: All proposed lots conform to dimensional, road frontage and other requirements of the Dane County Zoning and Land Division Ordinances. No new homesite would be created with this petition. The proposed 28.24-acre FP-1 lot is located on lands proposed for deed restriction to prohibit residential development under [Petition 11606](#) (published 11/16/2020 and still within 90-day delayed effective date). Note that the proposed FP-1 zoning for this parcel is consistent with this pending deed restriction. As of January 13, 2021, the deed restriction required by Petition 11606 had not been recorded.

TOWN PLAN: The property is within a farmland preservation area under the *Town of Vermont / Dane County Comprehensive Plan*. Residential development is capped at a maximum density of one unit per thirty-five acres owned as of January 1, 1985. Separation of one pre-existing home per 1985 farm is exempt from the town density cap. If Petition 11642 is approved, there will be two homesites remaining on the property. The town/county plan also includes provisions to minimize acreage of land rezoned from Farmland Preservation zoning, and to keep residential lots at the edges of agriculturally productive lands.

The proposed 28.24-acre FP-1 lot (current [PIN 0706-064-8050-2](#)) is part of a 1985 landholding with a complicated history and multiple current landowners who own at least 35 acres of the apparent original farm. The town/county plan recommends that landowners record a mutual agreement regarding allocation of building sites under such circumstances. No such agreement has been recorded. Absent such an agreement, additional title research and consultation with the Town of Vermont will be necessary to determine any remaining development potential on this portion of the property. If Petition 11642 is approved as submitted, any development on the proposed FP-1 zoned parcel would require approval of a subsequent rezone petition. If there are recorded deed restrictions on the property at that time, they could be considered for removal at the same time a future rezone petition is reviewed.

RESOURCE PROTECTION: An intermittent stream flows from south to north along the northwestern line of the proposed 3.28-acre FP-1 lot. Portions of the proposed RR-2 lot lie within 300 feet of the stream. Although no new construction is proposed at the current time, future development or land disturbance may be subject to shoreland zoning standards, including shoreland erosion control. Both proposed FP-1 lots include areas of prime farm soils, as well as soils in capability group 1 (most productive) under the Dane County Land Evaluation system.

DANE COUNTY HIGHWAY: County Highway FF is a non-controlled access highway. Any changes in use of an access point or new access points required a Highway Permit. Joint use access will be required where possible.

STAFF: Recommend approval with no conditions.

TOWN: The Town Board approved the petition with no conditions.

Questions? Contact Brian Standing at standing@countyofdane.com