
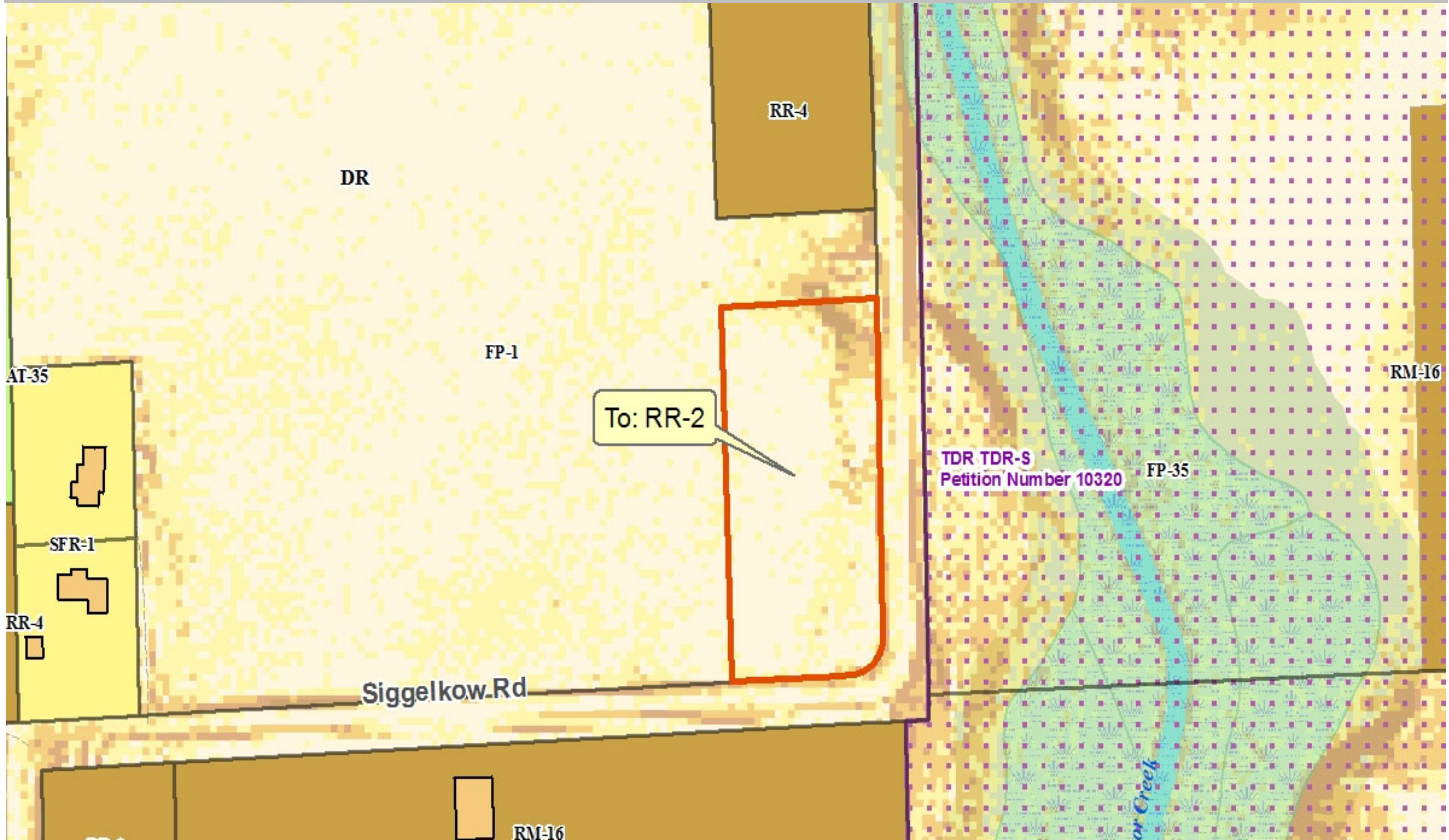


<b>Staff Report</b>    <b>Zoning and Land Regulation Committee</b>	<i>Public Hearing:</i> <b>September 20, 2022</b>		<b>Petition 11889</b>
	<i>Zoning Amendment Requested:</i> <b>FP-1 Farmland Preservation District TO RR-2 Rural Residential District</b>		<i>Town/Section:</i> <b>COTTAGE GROVE, Section 31</b>
	<i>Size:</i> <b>2.7 Acres</b>	<i>Survey Required:</i> <b>Yes</b>	<i>Applicant:</i> <b>VINEY ACRES LLC</b>
	<i>Reason for the request:</i> <b>Creating one residential lot via Transfer of Development Rights</b>		<i>Address:</i> <b>EAST OF 2906 SIGGELKOW RD</b>



**DESCRIPTION:** The applicants wish to create a 2.7-acre residential lot on the 32.8-acre agricultural parcel, and rezone it to RR-2, using a transfer of development rights from another parcel (0711-363-9330-0) also owned by Viney Acres LLC.

**OBSERVATIONS:** The property is approximately one mile from the Dane County Landfill and less than one mile from the property that is planned for the expanded County landfill and recycling facility. The property is within 3 miles of the City of Madison’s municipal boundary and is within the City’s long-range planning area; however the City has agreed not to exercise its extraterritorial jurisdiction in this area under the new intergovernmental agreement between the town and city established in early 2022.

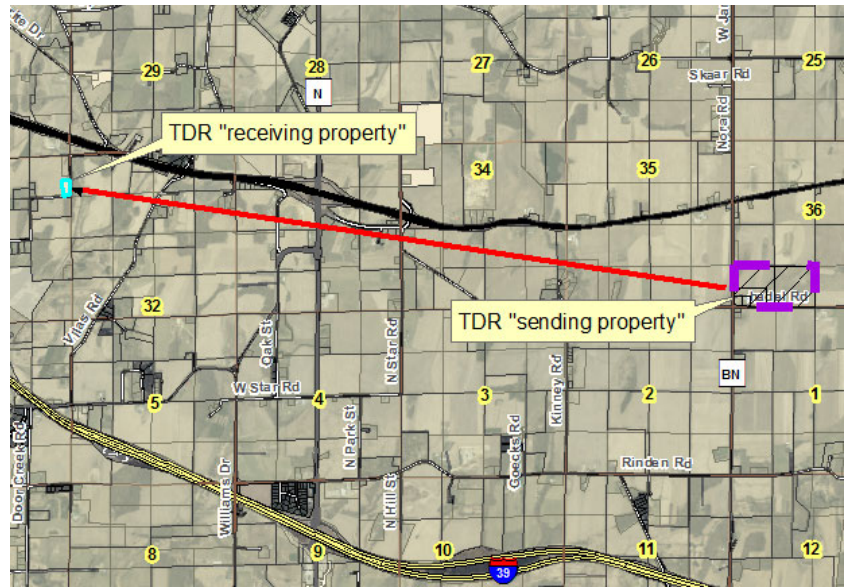
**TOWN PLAN:** The property is located in the town’s Agricultural Preservation Area.

**RESOURCE PROTECTION:** There are no sensitive environmental features on the property. The northeast corner of the proposed lot contains a small area of steep slopes and is also within the shoreland zone due to proximity to Door Creek to the east; development should be avoided in that area. The southwest quarter of the site contains Class 2 soils.

**TOWN:** Approved with conditions requiring deed restrictions on the sending and receiving properties, and the dedication of right-of-way along Siggelkow Road (see attached town action report)

**STAFF:** This proposal involves an “intra-ownership” Transfer of Development Rights (TDR) whereby the owner would establish the new residential lot by sending a Residential Density Unit (RDU) from the their ~75 acre farm located in section 36 approximately 4 miles to the east near the intersection of County Highway BN and Schadel Road. The sending property remains eligible for 1 possible RDU.

It’s worth noting that the unplatted majority of the ~75 acre sending property is subject to an existing deed restriction prohibiting nonfarm development. The one remaining RDU was attached to a smaller FP-1 zoned parcel following approval of a prior zoning petition ([#11107](#)).



In addition, the receiving property, which had previously exhausted the eligible RDUs, is also subject to a deed restriction prohibiting further nonfarm development. Although the proposed rezoning would not technically affect the current deed restriction, staff would advise that a new restriction be recorded since the remnant farm parcel will have an new legal description.

The proposed new 2.6 acre parcel slightly exceeds the town’s 2 acre maximum lot size policy for new residential lots. The applicant indicates that the parcel size and configuration is needed to square off a field.

The proposed transfer appears reasonably consistent with the town’s planning policies. As an intra-ownership transfer, certain aspects of the town’s TDR policies, namely recording of an agricultural conservation easement, does not appear necessary.

Pending receipt any concerns expressed at the ZLR Public Hearing, staff recommends approval of the petition with the following town and staff conditions (note these conditions incorporate the town conditions):

1. The TDR-R overlay zoning district shall be applied to the proposed RR-2 parcel.
2. Owner shall record a deed restriction prohibiting nonfarm development on the TDR sending property (tax parcels 071136393300 – Lot 3, CSM 15926).
3. Owner shall record a deed restriction prohibiting nonfarm development on the remaining ~30 acres of FP-1 zoned land from the receiving property (parcel 0711-311-8010-0 -- proposed lot 1 of the Certified Survey Map).
4. Owner shall record a TDR-R Notice document on the proposed RR-2 parcel indicating that the lot was created as the result of transfer of development rights.
5. The final Certified Survey Map shall include dedication of additional land at the curve of Siggelkow Road, at a 45-degree angle as determined by the town, to allow for future smoothing of the curve.

Any questions about this petition or staff report, please contact Majid Allan at (608)720-0167 or [allan@countyofdane.com](mailto:allan@countyofdane.com)