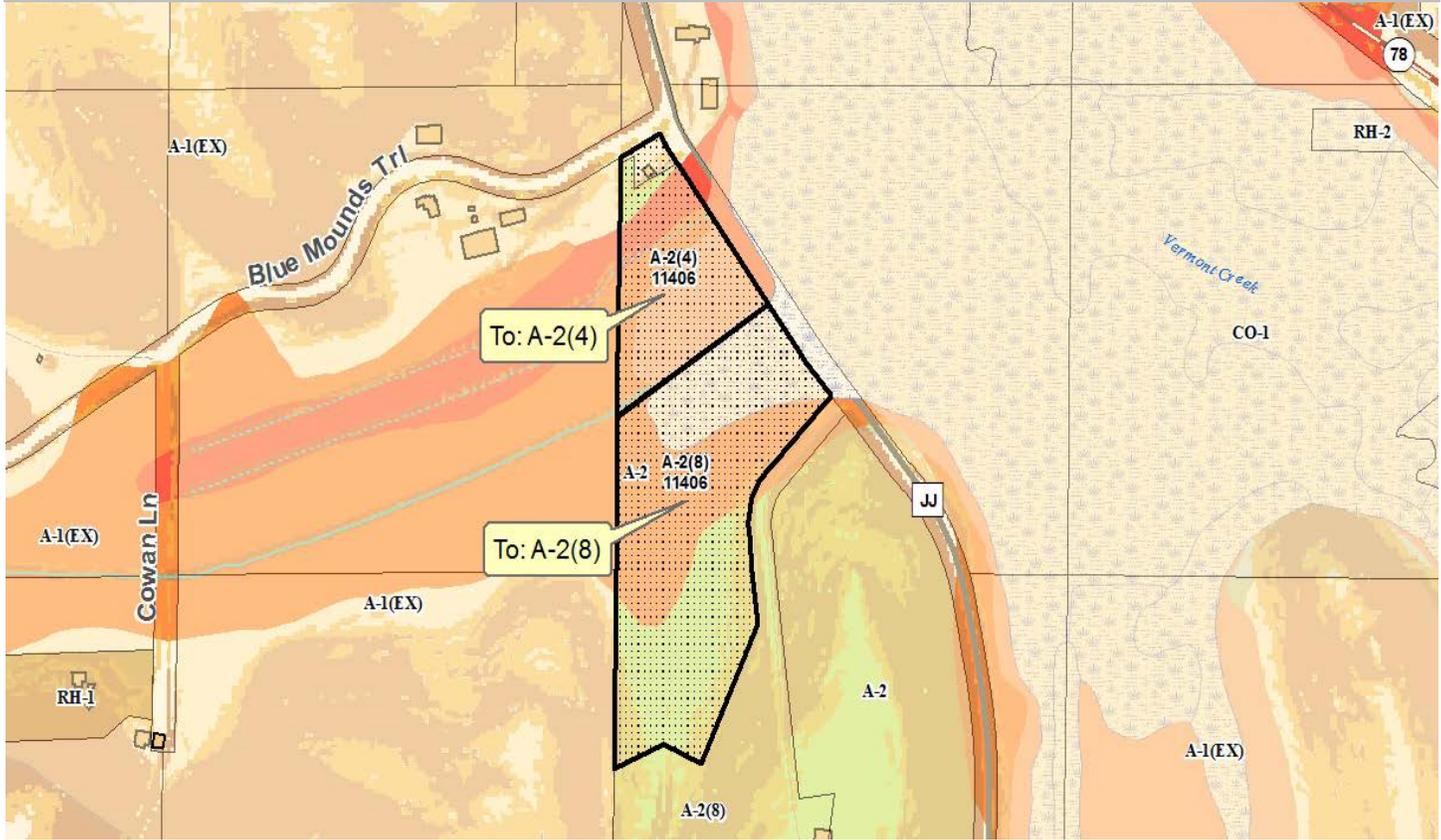


Staff Report  Zoning and Land Regulation Committee	Public Hearing: April 30, 2019		Petition 11406	
	<u>Zoning Amendment Requested:</u> A-2 Agriculture District TO A-2 (4) Agriculture District and TO A-2 (8) Agriculture District, A-1EX Agriculture District TO A-2 (4) Agriculture District		<u>Town/Section:</u> VERMONT, Section 2	
	<u>Size:</u> 4.28,10.79,0.3 Acres	<u>Survey Required:</u> Yes	<u>Applicant:</u> STEVEN N COWAN	
	<u>Reason for the request:</u> Creating two residential lots		<u>Address:</u> WEST OF COUNTY HWY JJ	



DESCRIPTION: Landowner would like to rezone a total of 15.37 acres from the A-2 and A-1(ex) zoning districts to create two residential lots.

OBSERVATIONS: The parcel proposed for rezone and land division carries a recorded deed restriction (ROD Document # 183445, recorded 5/22/1984) that limits the parcel to “agricultural use only.”

TOWN PLAN: The property is within a Farmland Preservation Area in the adopted *Town of Vermont / Dane County Comprehensive Plan* and in the *Dane County Farmland Preservation Plan*. Residential development is limited to one unit per 35 acres. Any further development of the 43.79-acre 1985 farm would exceed the density limits in the plan.

RESOURCE PROTECTION: The entire proposed rezone area is covered with hydric soils, floodplains and shoreland wetlands associated with a perennial, unnamed tributary of Vermont Creek. The tributary flows from southwest to northeast across the property. In addition, two constructed drainages cross the northernmost proposed parcel. Agricultural drainages, although not navigable themselves, cannot be maintained if the property is not in active agricultural use. This would likely lead to a rise of water levels on the site. Field-derived wetland delineations, floodplain elevations (including engineering cross sections of undifferentiated Zone A areas) and navigability determinations will be needed to determine the precise extent of water resources on the property, and the particular regulations that apply.

DANE COUNTY HIGHWAY: CTH JJ is not a controlled access highway. Approval of new access(es) may be difficult due to terrain. Joint use access may be required. Estimate increase of traffic 20 trips per day.

STAFF: Recommend denial due to inconsistency with residential density caps and environmental protection standards under the adopted town and county comprehensive plan.

APRIL 30TH ZLR MEETING: The petition was postponed due to no town action.

TOWN: The Town Board partially approved the petition. The town will allow the expansion of an existing sub-standard lot located in the northeast corner of the property. The sub-standard lot would be allowed to be expanded to a 4.95-acre lot. Development of the lot shall be restricted to a 30'x100' building envelope due to the sensitive environmental features covering the majority of the lot.

STAFF UPDATE: On August 12, 2019, the Town of Vermont Board voted to recommend approval of this petition, with a defined 30' x 100' building envelope shown on the proposed Lot 1. This lot was originally proposed for the A-2(4) zoning district, but with the Town of Vermont's adoption of the new Dane County Zoning Ordinance on July 2, this parcel will now go to the RR-4 zoning district. Lot 1 would essentially replace a previous legal, nonconforming parcel (PIN 0706-023-9150-8, 0.3 acres) that would have had a potential building site under the previous ordinance and the *Town of Vermont / Dane County Comprehensive Plan*.

Proposed Lot 2, however, has a different history and was once part of a 43.79-acre farm. All of the development potential on this property available under the *Town of Vermont / Dane County Comprehensive Plan* has already been exhausted (see density study report). In addition, all of Lot 2 is within mapped resource protection corridors, which does not allow for residential development. Consequently, staff would recommend that the Petition be amended to put Lot 2 in the NR-C (Natural Resource – Conservation) zoning district.

AUGUST 27TH ZLR MEETING: The Committee postponed action on the petition to time for staff to verify the landowner's acceptance of the suggested changes to the petition.

STAFF UPDATE: County Staff has worked with the Cowan's and the Town regarding the correct zoning district classification to be placed on the southerly lot. Although there are significant environmental features on the lot, the Cowan's requested that the assigned zoning district allow agricultural production. It was agreed that the best suited zoning district would be FP-1 Farmland Preservation for the southerly property. Given the absence of housing density rights, the lands would need to be deed restricted against future residential development.

If approved, Staff suggests that the following changes be made to the petition:

1. The northerly 4.9-acre lot shall be assigned the zoning district classification of RR-4 Rural Residential. The Certified Survey Map shall depict a 30' x 100' building envelope located outside of the sensitive environmental features.
2. The southerly 10.79-acre lot shall be assigned the zoning district classification of FP-1 Farmland Preservation. The property shall be deed restricted to prohibit residential development due to the absence of housing density rights. Further, structures shall be prohibited on the property.