

Staff Report

Zoning and
Land Regulation
Committee

Questions? Contact:
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Public Hearing: **January 26, 2021**

Zoning Amendment Requested:

FP-35 Farmland Preservation District TO RR-16 Rural Residential District and TDR-R Transfer of Development Rights-Receiving Overlay District

Size: **39.66 Acres**

Survey Required: **Yes**

Reason for the request:

TRANSFERRING A DEVELOPMENT RIGHT TO DIVIDE AN EXISTING LOT INTO TWO RESIDENTIAL LOTS.

Petition 11641

Town/Section:

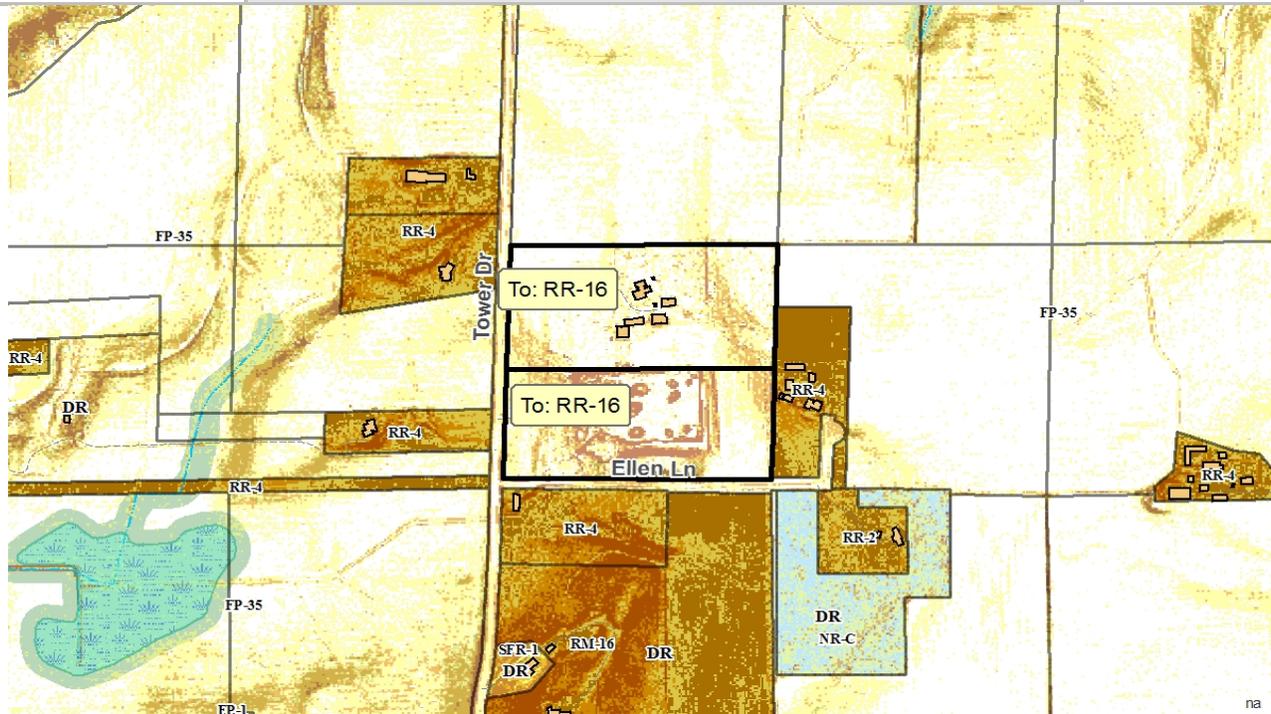
**Pleasant Springs /
Section 24**

Applicant

**Duckert Irrev TR,
Gregory H**

Address:

2296 Tower Road



DESCRIPTION: Applicant proposes to divide the existing ~40 acre property into two parcels. The owner's existing residence would be separated onto the northerly 20 acre RR-16 (Rural Residential) zoned parcel, and a new 19 acre RR-16 parcel would be created for new development. Because the property is not eligible for any density units under the town plan, a transfer of development rights (TDR) is proposed to enable the land division. TDR-R (Transfer of Development Rights-Receiving) overlay zoning is requested on the subject property.

OBSERVATIONS: Current land use of the property is rural residential and open space. Surrounding land uses are agriculture / open space and scattered rural residences. The property includes a former nonconforming mineral extraction site which is no longer operational. No sensitive environmental features observed.

TOWN PLAN: The property is located in an agricultural preservation area per the town/county comprehensive plan.

RESOURCE PROTECTION: There are no resource protection corridors located on the property.

STAFF: As noted, this proposal would involve a transfer of development rights. The town of Pleasant Springs limited TDR program includes a provision allowing for case by case review of TDR proposals between different property owners. The overarching objective of the program is to preserve larger tracts of productive farmland. See page 2 for further description and analysis.

The sending property is an approximately 80 acre farm located in the northeast corner of the township that remains eligible for one density unit. If this petition is approved, development potential on the sending property will be exhausted.

The sending property consists of high quality farm soils (~90% class 1 and 2 soils), and is surrounded by a number of other larger farms. The proposed transfer appears to satisfy the town's standards and criteria for transferring development rights.

Pending any concerns expressed at the public hearing, or by the town in the course of its review, staff recommends that the petition be approved subject to the following conditions:

1. A notice document shall be recorded on the southerly RR-16 zoned property (proposed lot 2 on CSM) 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 ~80 acre MW Olson farm in section 2 (tax parcels: 061102485006 and 061102490009).
3. The owner of the sending property shall record a deed restriction on the ~80 acre property prohibiting further non-farm development in accordance with town plan policies (tax parcels: 061102485006 and 061102490009).

TOWN: Pending.

