
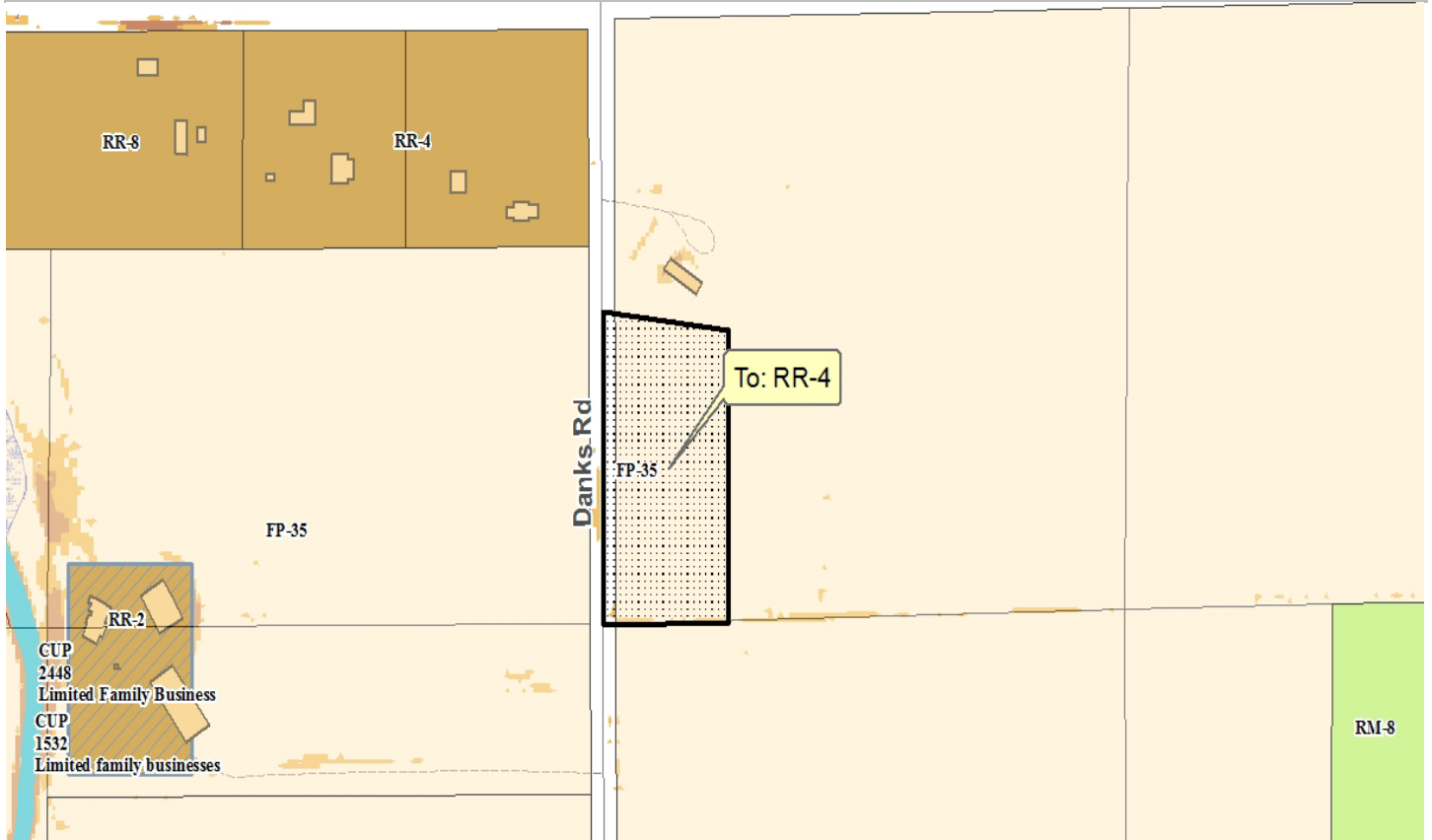


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| <b>Staff Report</b><br><br><br><br><b>Zoning and Land Regulation Committee</b><br><br><b>Questions? Contact: Majid Allan – 267-2536</b> | <i>Public Hearing:</i> <b>October 22, 2019</b>   | <b>Petition 11483</b>                              |   |
|  | <i>Zoning Amendment Requested:</i><br><b>FP-35 (General Farmland Preservation) District TO RR-4 (Rural Residential, 4 to 8 acres) District</b> | <i>Town/Section:</i><br><b>DUNKIRK, Section 31</b> |   |
|  | <i>Size:</i> <b>4 Acres</b>  | <i>Survey Required:</i> <b>Yes</b>                 | <i>Applicant:</i><br><b>JUSTAMERE FARMS INC</b> |
|  | <i>Reason for the request:</i><br><b>Creating one residential lot</b>  |  | <i>Address:</i><br><b>SOUTH OF 104 DANKS RD</b> |



**DESCRIPTION:** Applicant proposes to create a 4 acre RR-4 (Rural Residential) zoned parcel for future new development. The proposal would involve transferring a housing density unit from another farm owned by the applicant in section 27. See Staff section below for additional detail.

**OBSERVATIONS:** Existing use of the property is agricultural (cropland). Surrounding land uses are agriculture / open space and scattered rural residences. No significant environmental features observed.

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

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

**STAFF:** Applicant proposes to transfer final remaining development right from his farm in section 27. Town plan policies allow for transfers of splits between farm units held in single ownership since at least 8/22/2000, subject to several standards and criteria. Primary among those is that any such transfer must serve to protect productive agricultural land. Staff finds that the proposal is reasonably consistent with the town’s limited transfer of development rights policy. See attached standards. Staff recommends that approval be conditioned on the following:

1. Applicant shall record a deed restriction on the balance of FP-35 zoned land from the TDR sending property in section 27 prohibiting further non-farm development in accordance with town comprehensive plan policies (tax parcels 0511-273-8501-6, 0511-273-8000-2, 0511-274-8500-6, 0511-274-9001-8, and 0511-273-9501-4).
2. A notice document shall be recorded on the RR-4 receiving property (tax parcel 0511-313-8500-8) indicating that a density unit was transferred to the property.
3. A notice document shall be recorded on the ~240 acres of FP-35 zoned land comprising the Justamere Farms farm unit in section 31 indicating that 3 splits remain following the transfer of development rights approved pursuant to rezone petition 11483. (Tax parcels 0511-311-8570-0, 0511-311-9000-3, 0511-311-9500-8, 0511-312-9500-7, 0511-312-9000-2, 0511-313-8500-8, 0511-313-8000-3)

**TOWN:** Approved.