

TOWN BOARD ACTION REPORT – REZONE

Regarding Petition # 2019-11436

Dane County Zoning & Land Regulation Committee Public Hearing Date 7/23/2019

Whereas, the Town Board of the Town of Dunkirk having considered said zoning petition,

be it therefore resolved that said petition is hereby (check one): **Approved** **Denied** **Postponed**

Town Planning Commission Vote: 4 in favor 0 opposed 0 abstained

Town Board Vote: 2 in favor 0 opposed 1 abstained

THE PETITION IS SUBJECT TO THE FOLLOWING CONDITION(S) (Check all appropriate boxes):

- 1. *Deed restriction* limiting use(s) in the _____ zoning district to **only** the following:

- 2. *Deed restrict* the balance of A-1 EX Agricultural Exclusive zoned land owned by the applicant from the original farm (as of date specified in the Town Plan) prohibiting non-farm development. Please provide property description, or tax parcel number(s):

- 3. *Deed restrict* the applicant's property described below prohibiting division. Please provide property description, or tax parcel number(s):

- 4. *Condition* that the applicant must record a *Notice Document* which states all residential development units (a.k.a. splits) have been exhausted on the property, and further residential development is prohibited under Town & County Land Use Planning policies. Please provide property description, or tax parcel number(s):

- 5. *Other Condition(s)*. Please specify:

Please note: The following space is reserved for comment by the minority voter(s), **OR**, for the Town to explain its approval if the decision does not comply with the relevant provisions of the Town Plan.

Falligant stated a motion to recommend approval to the Town Board Petition No. 2019-11436 on behalf of Justamere Farms for the separation of approximately four acres for a single family residence. Mr. Olson has shown that the driveway length is consistent with the Town Plan and that he has done several perks along the way to the point of this lot to keep the lot as close to the road as possible. The development of this lot will require that this driveway be relocated from the farm lane to the northeast to stay away from the 100 year flood plain delineation. It is the Plan Commission's understanding that special erosion control permitting will be required to construct that driveway, and will properly divert water from the north to the southeast to preserve the driveway. The Town discussed with Steve the need to ensure that the new driveway will support emergency vehicles and we hold him or the purchaser responsible to abide by that. The roughly 35 wooded acres to the west may or may not be sold with this lot. As a result we have asked for an easement, in the event that it does not, so that if the woods were sold separately there would be access. The Plan Commission also recommends that we review the final CSM for this property and any deed language to confirm the map that has been provided, and that the easement is properly worded. The Plan Commission understands that there is an additional split on this tract of land and it is our understanding Mr. Olson is interested in transferring that development right to the home farm on Highway 138. The Plan Commission has not pursued additional easement for the remaining land for the additional split, given that we do not anticipate that split being executed on this property. In addition, the driveway easement will provide agricultural access to the farm land. Schieldt seconded. Motion carried 4-0.

I, Melanie Huchthausen, as Town Clerk of the Town of Dunkirk, County of Dane, hereby
 certify that the above resolution was adopted in a lawful meeting of the Town Board on 8/5/2019
 Town Clerk Melanie Huchthausen Date: 8/9/2019