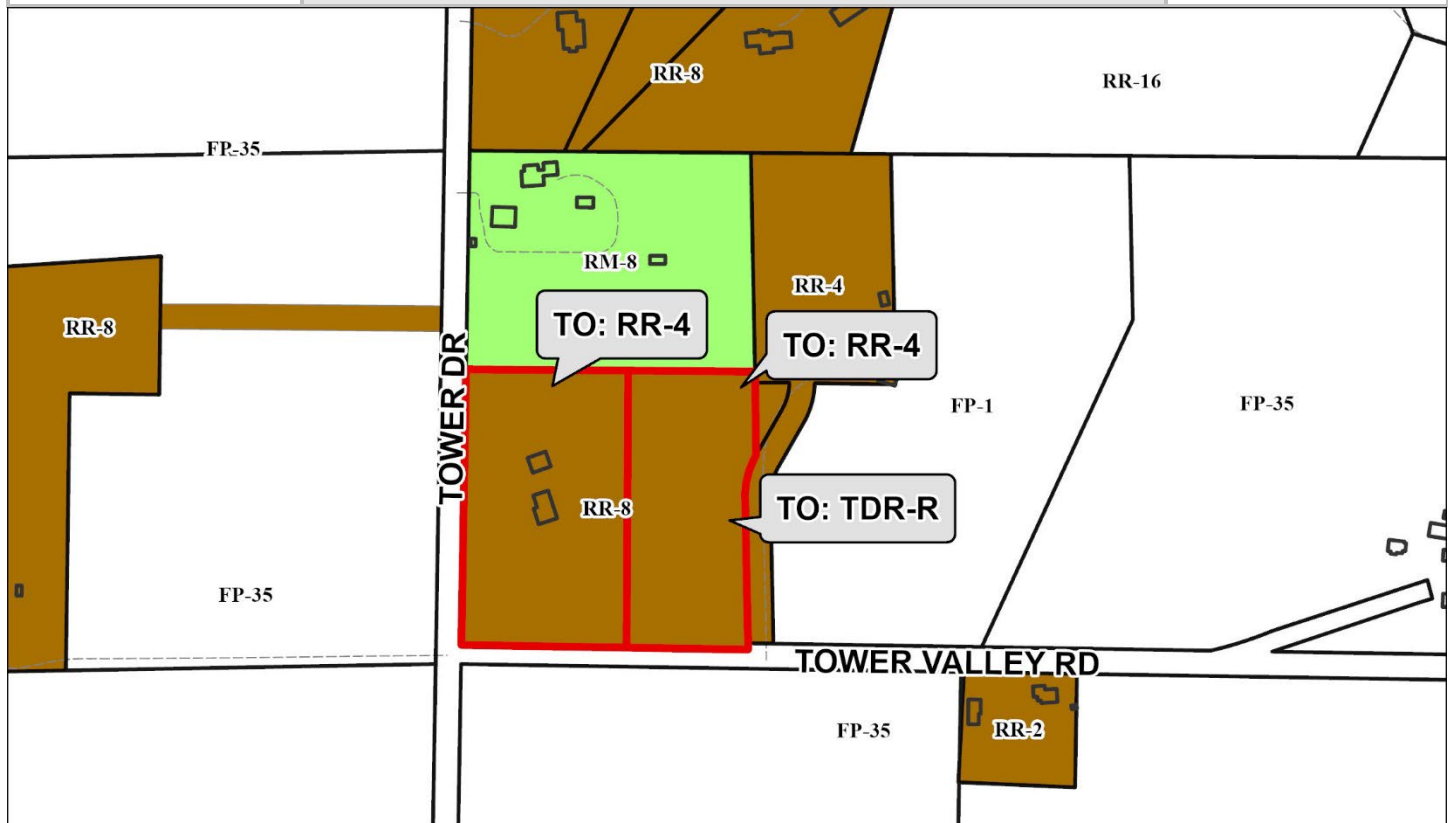


Staff Report  Zoning & Land Regulation Committee	<u>Public Hearing:</u> January 27, 2026 Report updated for the February 10th ZLR Work Meeting		Petition 12245
	<u>Zoning Amendment Requested:</u> RR-8 Rural Residential District TO RR-4 Rural Residential District		<u>Town, Section:</u> PLEASANT SPRINGS, Section 25
	<u>Size:</u> 13.7 Acres	<u>Survey Required:</u> Yes	<u>Applicant:</u> MICHAEL AND JENNIFER WALDNER
	<u>Reason for the request:</u> CREATING ONE NEW RESIDENTIAL LOT USING TRANSFER OF DEVELOPMENT RIGHT (TDR)		<u>Address:</u> 1870 TOWER DRIVE



DESCRIPTION: Applicant proposes to subdivide the existing 13.7-acre RR-8 zoned parcel to create a new home site approximately 5 acres in size. To create the new building site, the proposal would involve a Transfer of Development Rights (TDR) from a ~200 acre “sending” farm located in the northwest corner (section 2) of the town of Pleasant Springs. RR-4 zoning is requested for both resulting lots which would total 7.27 and 5 acres, respectively.

OBSERVATIONS: The subject property is in rural residential use and surrounded by several other rural residential lots. The proposed new 5 acre lot is wooded and would be accessed from Tower Valley Road. The lot would meet county ordinance requirements including lot size and public road frontage.

A deed restriction prohibiting further residential development was applied to the subject property as a condition of approval of previous rezone petition #7976. These types of restrictions are required when the available density units are exhausted on a property. As indicated above, this proposal would transfer a density unit from a larger farm property.

COMPREHENSIVE PLAN: This petition is in the town’s agricultural preservation planning area and is subject to the land use policies related to that designation. As noted, this proposal would involve a transfer of one development right. The town of Pleasant Springs comprehensive plan includes a limited TDR program allowing for case-by-case review of TDR proposals between different property owners.

The overarching objective of the TDR program is to preserve larger tracts of productive farmland. The sending property is an approximately 200-acre farm located in the northeast corner of the township that remains eligible for three density units. If this petition is approved, the sending property will remain eligible for two density units.

The sending property is part of an active farm operation. The designated sending parcel and surrounding area consists of high-quality farm soils (100% class 1 and 2 soils). The owner of the sending property also owns adjoining farmland in the Town of Cottage Grove.

The receiving property is an existing 13-acre rural residential parcel that was previously enrolled in the Managed Forest Law program. The proposed new residential lot would be located on a portion of the property that is currently wooded. The immediately adjoining properties are also in rural residential use.

The subject property was deed restricted in 2001 to prohibit further development, as the property is/was not eligible for any additional development potential under the town's "1 per 35" density limit. The town's TDR policy indicates that previously deed restricted land can serve as a receiving area, if the following conditions are satisfied:

- The deed restriction is removed as part of a rezoning petition.
- The land is of poorer agricultural quality than the sending parcel.
- The receiving parcel is not in the Transitional Agricultural Area.
- The proposed transfer would further the town's overall goals for agricultural preservation.

Staff believes that the proposed transfer meets both the specific criteria for previously restricted properties, as well as the town's other standards and criteria for transferring development rights and is consistent with the town plan. 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 with conditions (see below). For questions about the comprehensive plan, please contact Senior Planner Majid Allan at (608) 267-2536 or Allan.Majid@danecounty.gov.

RESOURCE PROTECTION: There are no areas of resource protection located on the subject property. Drives longer than 125 ft require an erosion control permit.

JANUARY 27TH ZLR HEARING: On January 27th the ZLR Committee held a public hearing on the proposed rezoning. There was no opposition to the proposal. The Committee postponed action because the county had not yet received the town board action report. The report was received shortly after the meeting.

TOWN ACTION: The Town Board has recommended approval of the petition, with no conditions noted.

STAFF RECOMMENDATION: Staff recommends approval subject to the following conditions:

1. A Deed Notice document shall be recorded on proposed lot 2 indicating that the lot was created as a result of a transfer of development rights.
2. The TDR-R Receiving area overlay zoning district shall be applied to proposed Lot 2.
3. The TDR-S Sending area overlay zoning district shall be applied to the 40-acre Norske Farms property (tax parcel 061102190002).
4. The owner of the sending property shall record an Agricultural Conservation Easement on the 40-acre Norske Farms sending property prohibiting non-farm development (tax parcel: 061102190002).

Please contact Rachel Holloway at (608) 266-9084 or holloway.rachel@danecounty.gov if you have questions about this petition or staff report.

