
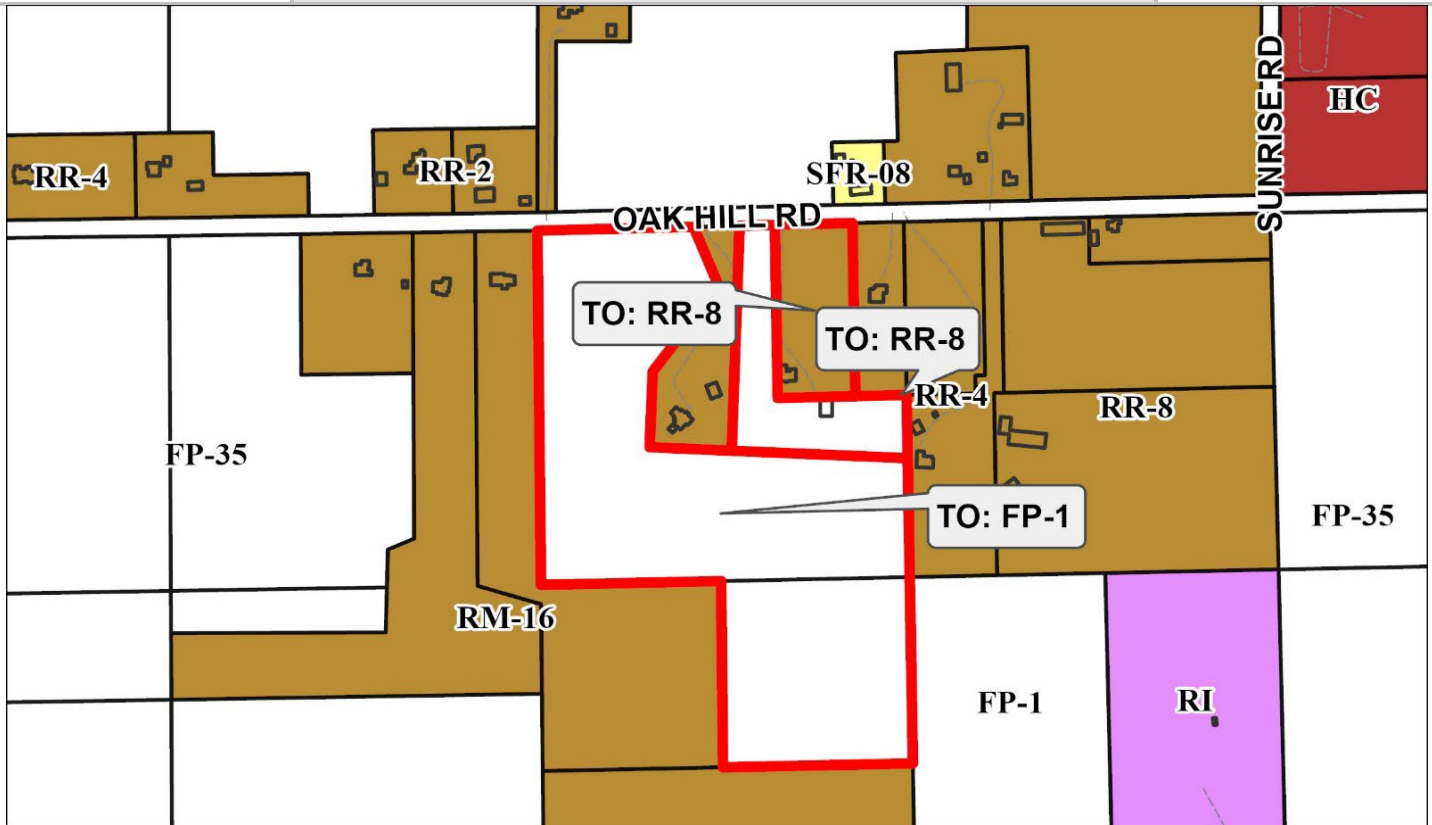


Staff Report  Zoning and Land Regulation Committee	<i>Public Hearing:</i> December 19, 2023	Petition 11994	
	<i>Zoning Amendment Requested:</i> RR-4 Rural Residential and FP-35 Farmland Preservation District TO RR-8 Rural Residential District; FP-35 Farmland Preservation District TO FP-1 Farmland Preservation District		<i>Town/Section:</i> RUTLAND, Section 17
	<i>Size:</i> 4.27,5.08,34.34 Acres	<i>Survey Required:</i> Yes	<i>Applicant:</i> RICHARDSON JT IRREV LIVING TRUST
	<i>Reason for the request:</i> Shifting of property lines between adjacent landowners to expand a residential lot		<i>Address:</i> 4309 OAK HILL RD



DESCRIPTION: The Richardsons propose a rezoning in order to increase the size of an existing residential lot. The existing lot is zoned RR-4 and would be rezoned to RR-8 based on the new lot size. No new lots or development are proposed. The remaining agricultural lands owned by the applicants would be under 35 acres and thus need to be rezoned to FP-1 Farmland Preservation and included in the certified survey map that will establish the new lot boundaries.

OBSERVATIONS: The proposed expanded lot boundary conforms to the requirements of the RR-8 zoning district, including lot size and building setbacks. The property is subject to the Village of Oregon’s extraterritorial jurisdiction for review of the land division.

COMPREHENSIVE PLAN: The property is located in an agricultural preservation area. The proposed lot line adjustment would not result in any new nonfarm development and appears reasonably consistent with comprehensive plan policies.

As indicated on the attached density study report, the property is not eligible for any further nonfarm development under applicable comprehensive plan policies. This has been the case since 2003 when the final density units were established under rezoning petition #8526. The town’s approval of the current petition includes a requirement to record a deed restriction prohibiting development on the balance of the farmland. This aligns with current plan policy and practice to properly track when density units are exhausted on a given property. Staff is supportive of the town’s

conditional approval. (For questions about the comprehensive plan, please contact Senior Planner Majid Allan at (608) 267-2536 or allan@countyofdane.com)

RESOURCE PROTECTION: There are no significant environmental features on the subject property. A small area in the southwest corner of the RR-8 lot appears to be within the shoreland zone due to proximity to an intermittent stream to the west (no navigability determination has been done). No concerns with the proposal; no new development proposed.

TOWN ACTION: On November 8, 2023 the Town Board recommended approval of the rezone subject to:

1. A deed restriction on Parcels 0510-171-8530-0, 0510-171-8601-0, and 0510-171-9001-0
No further residential development on remaining ag land after the lot line adjustment included in this petition. All eligible splits have been exhausted. Note: Owner has created a farm driveway off of Oak Hill Road so the ag land will not be landlocked if the parcel with the improvements is sold off.

STAFF RECOMMENDATION: Pending any comments at the public hearing, staff recommends approval of the rezone subject to the applicant recording the CSM and the following conditions:

1. A deed restriction shall be recorded on the RR-8 zoned land (proposed Lot 1 of the Certified Survey Map) stating the following:
Further division of the property is prohibited.
2. A deed restriction shall be recorded on the balance of FP-1 zoned land (tax parcels 0510-171-8601-0 and 0510-171-9001-0, or proposed Lot 2 of the Certified Survey Map) stating the following:
Further residential/nonfarm development is prohibited on the remaining FP-1 zoned land. The housing density rights for the original Richardson farm have been exhausted per the Town Comprehensive Plan density policies.

Any questions about this petition or staff report please contact Rachel Holloway at (608) 266-9084 or holloway.rachel@countyofdane.com