
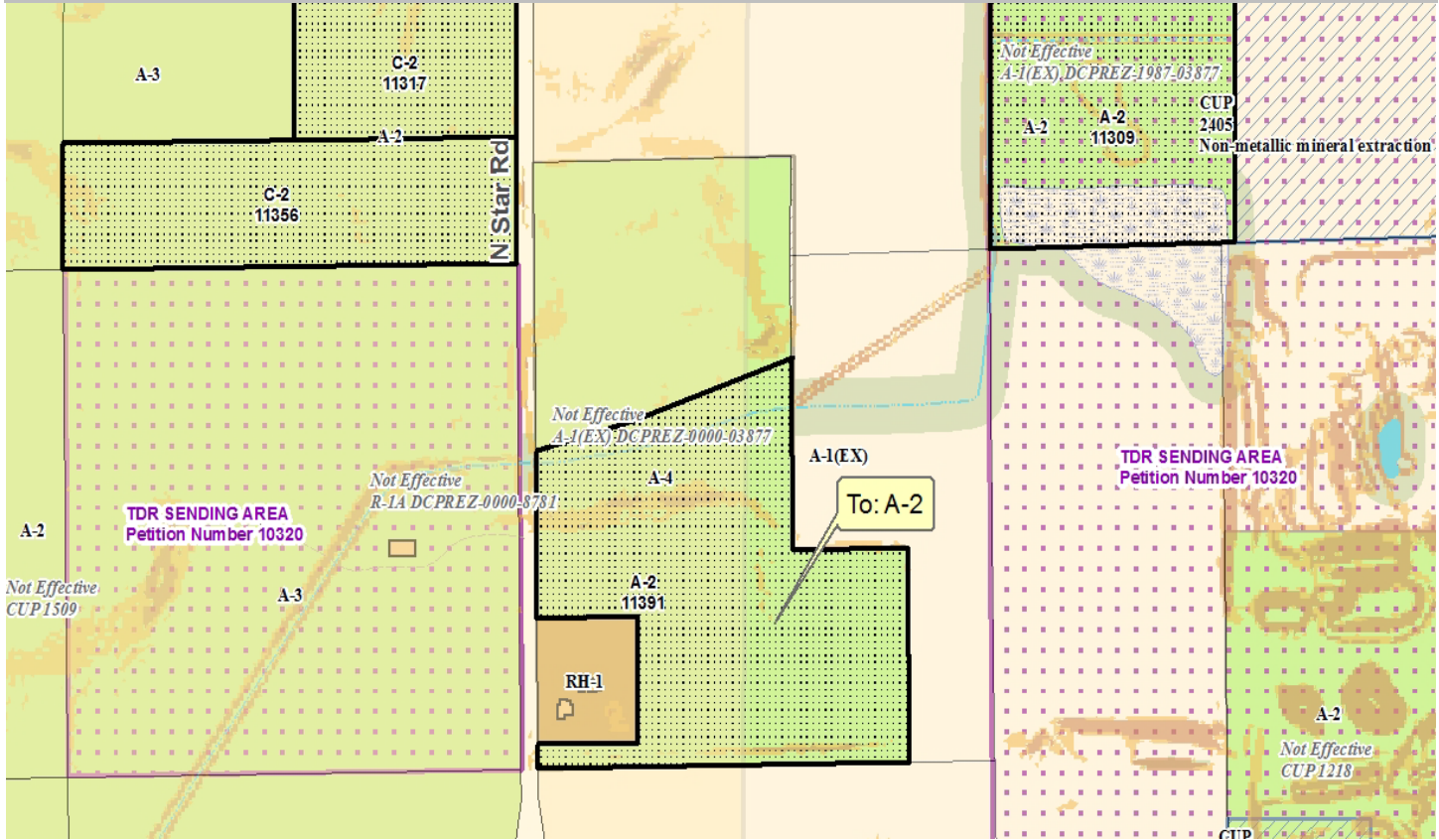


DRAFT Staff Report  Zoning and Land Regulation Committee	<i>Public Hearing:</i> March 26, 2019		Petition 11391
	<i>Zoning Amendment Requested:</i> A-4 Agriculture District TO RM-16 Rural Mixed Use & TDR-R Transfer of Development Rights Receiving area overlay.		<i>Town/Section:</i> COTTAGE GROVE, Section 34
	<i>Size:</i> 18.294 Acres	<i>Survey Required:</i> Yes	<i>Applicant</i> LARRY G SKAAR
	<i>Reason for the request:</i> Creating one residential lot		<i>Address:</i> EAST OF NORTH STAR RD



DESCRIPTION: The applicant wishes to rezone his property from A-4 to RM-16 (Rural Mixed use for parcels 16 or greater acres in size; previously known as A-2) to create a residential lot. Because A-4 is an agricultural preservation zoning district, the applicant will have to transfer one residential dwelling unit (RDU) also known as a development right or “split”, from a different parcel to this site. For this reason the applicant needs to rezone his property to the TDR-R (Transfer of development rights – receiving) overlay district as well as RM-16. The CSM associated with this proposal will create two lots with lot#2 remaining in FP-1 (Farmland preservation for parcels 1 to 35 acres in size, previously A-4).

OBSERVATIONS: The subject property is surrounded by agricultural uses including land already in agricultural preservation zoning districts and TDR-S overlay.

TOWN PLAN: The subject property is in the agricultural preservation area of the town comprehensive plan. The town plan has a policy for allowing transfer of development rights from one ag preservation area to another with a 1:1 ratio, if the sending and receiving parcels are in the same ownership. The town plan also has a minimum residential lot size of 2 acres. Because the parcel being created is over 18 acres, this proposal might not meet that standard. The town policy for maximum lot size is 2 acres, “except that the Town Board may approve a greater size due to unusual land configuration, to better protect farmland, for commercial uses, and/or to enhance rural or scenic character”.

Also, in order to make the transfer, the town policy is as follows:

Outside of the main TDR program as described earlier in this figure, the Town may allow limited transfers of RDUs between any two contiguous or non-contiguous parcels under single ownership at the time of transfer under the following conditions:

1. Both parcels must be within the Agricultural Preservation Area on Map 10, except as allowed in Figure 5 for Agricultural Transition Areas and Figure 6 for Open Space and Recreation Areas.
2. The parcel(s) from which the RDU is proposed to be transferred must clearly have a sufficient number of RDUs left to transfer under the Town's policy. For each RDU transferred, the receiving land owner would be able to develop one housing unit above the number of housing units allocated to the May 15, 1982 parcel, provided that all other applicable regulations and policies are met. There is no transfer ratio incentive.
3. The parcel to which the RDUs is to be transferred must be less suitable for agricultural use than the parcel from which the RDU is to be transferred, as determined through an evaluation of the County Land Conservation soil groupings, unless no other acceptable locations are available. The parcel to which the RDU(s) are transferred is not a "TDR Receiving Area" as that term is defined in this Comprehensive Plan, because it is not within a Neighborhood Development Area or Agricultural Transition Area on Map 10.
4. The overall development density of the parcel to which the RDUs are to be transferred shall be consistent with the purpose of the future land use category mapped over the receiving property. (p. 19)

RESOURCE PROTECTION: There is an intermittent stream located along the northern boundary of the parcel (lot #1).

STAFF: The landowner did not provide information to show that the land is less suitable for agricultural production than the lands on which the RDU is being transferred from. The proposed residential land use is incompatible with the surrounding land uses which consist of commercial and mineral extraction land uses. The proposal exceeds the maximum 2-acre maximum lot size policy for residential development.

County Staff would recommend denial of the petition based on the following facts:

- The landowner did not provide evidence to meet Transfer of Development Right Policy #3.
- The proposed residential land use is incompatible with the surrounding commercial and mineral extraction land uses.
- The proposed residential land use does not meet the maximum lot size policy for residential development.

TOWN: The Town Board denied the petition.