



# Staff Report

Public Hearing: **May 10, 2016**

Petition: **Rezone 10984**

Zoning Amendment:  
**A-1EX Exclusive Agriculture District to RH-1 Rural Homes District**

Town/sect:  
**Rutland Section 34**

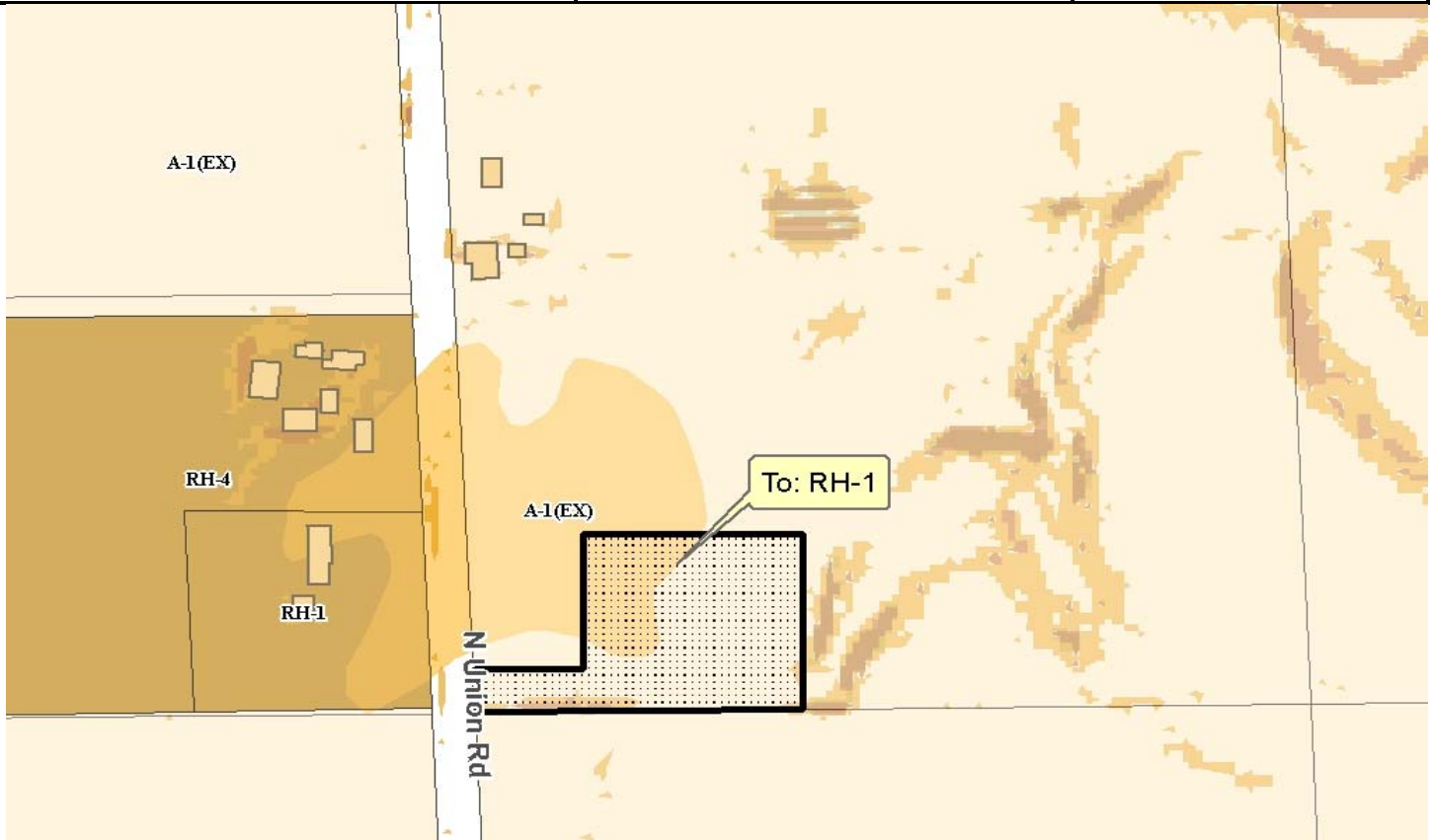
Acres: *2.1*  
Survey Req. *No*

Applicant  
**Carr Living Trust**

Reason:  
**Creating one residential lot**

Location:  
**176 N. Union Road**

Zoning and Land Regulation Committee



**DESCRIPTION:** Applicant proposes to create a new residential lot on the property for a family member. The subject property does not have a density unit available to it under the town policy. The proposal would transfer a development right from the neighboring farm property (Nelson) in order to allow the lot to be established on the subject property.

**OBSERVATIONS:** The property consists of 95% class II soils. No other sensitive 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:** As indicated on the attached density study report, the subject Carr property is not eligible for any density units. Applicant has arranged to transfer a density unit from the Nelson property. Town plan policies allow for such transfers, subject to review / approval by the town board on a "case by case" basis. As indicated on the attached density study report, the Nelson "sending" property is currently eligible for 5 density units (in addition to the existing residence). If the petition is approved, the Nelson property will remain eligible for 4 density units. Proposal appears consistent with town plan policies.

Staff recommends that a deed restriction be recorded on the balance of the Carr property prohibiting further development and also that a notice document be recorded on the Nelson property indicating that 1 density unit was transferred to the Carr property and that the Nelson property remains eligible for 4 density units.

**TOWN:** Approved with a notation that the Nelson farm will remain eligible for 4 splits.