
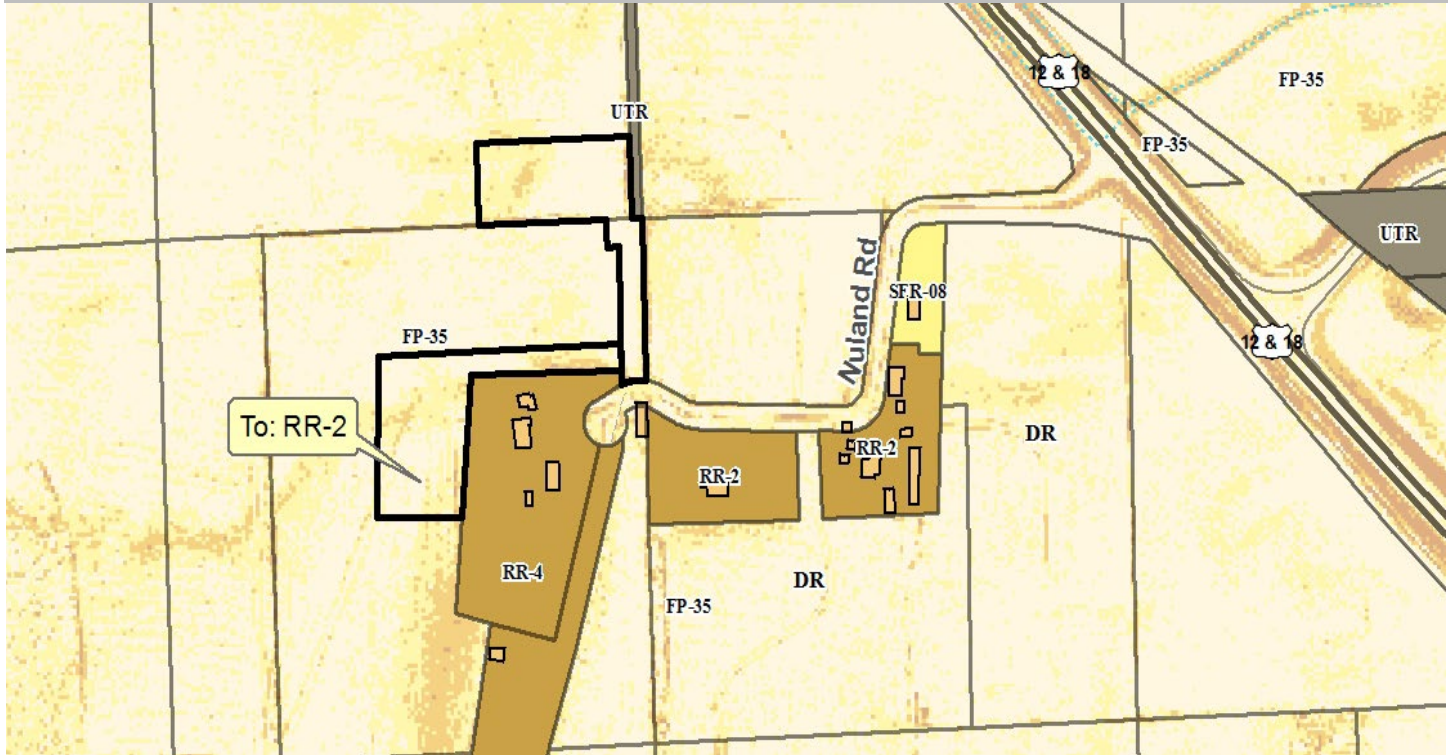


Staff Report  Zoning and Land Regulation Committee	<i>Public Hearing:</i> March 23, 2021	Petition 11657	
	<i>Zoning Amendment Requested:</i> FP-35 Farmland Preservation District TO RR-2 Rural Residential District		
	<i>Size:</i> 3 Acres	<i>Survey Required:</i> Yes	<i>Town/Section:</i> DEERFIELD, Section 33
	<i>Reason for the request:</i> Creating one residential lot via Transfer of Development Rights (TDR)		<i>Applicant:</i> ROBERT P RIEGE
		<i>Address:</i> NORTH OF 1002 NULAND ROAD	



DESCRIPTION: Applicant proposes to create a new 3 acre RR-2 zoned residential lot by transferring a development right from another farm the family owns in section 24. The proposed lot is intended to be sold to the neighboring property owner’s daughter who plans to build a new residence. Applicant indicates that the lot is located on some of the least productive land on the property.

OBSERVATIONS: Current use of the property is agriculture. Surrounding land uses are agriculture and rural residential. No sensitive environmental features observed.

As proposed, the new lot would not have direct frontage onto a public road. Access would be via a shared driveway easement across the adjoining property. Applicant’s initial proposal was to request a waiver from the 66’ of frontage requirement. Staff is recommending an amendment so that the proposed lot has frontage onto Nuland Rd (see below).

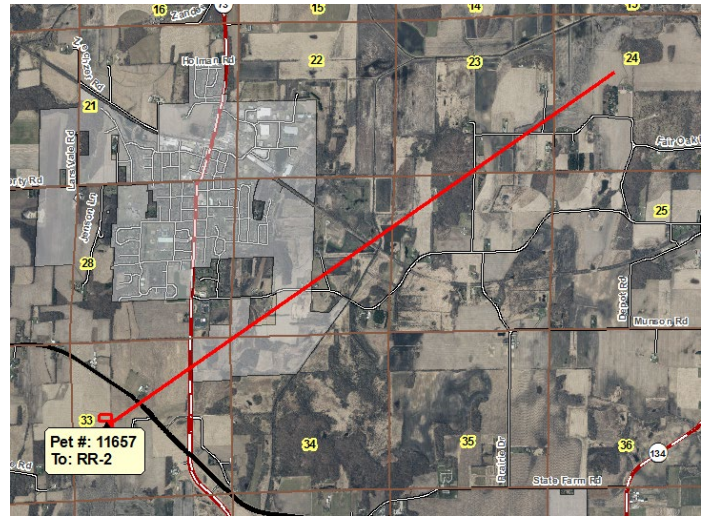
TOWN PLAN: The property is located in the town’s agricultural preservation area.

RESOURCE PROTECTION: No resource protection corridors located on the property.

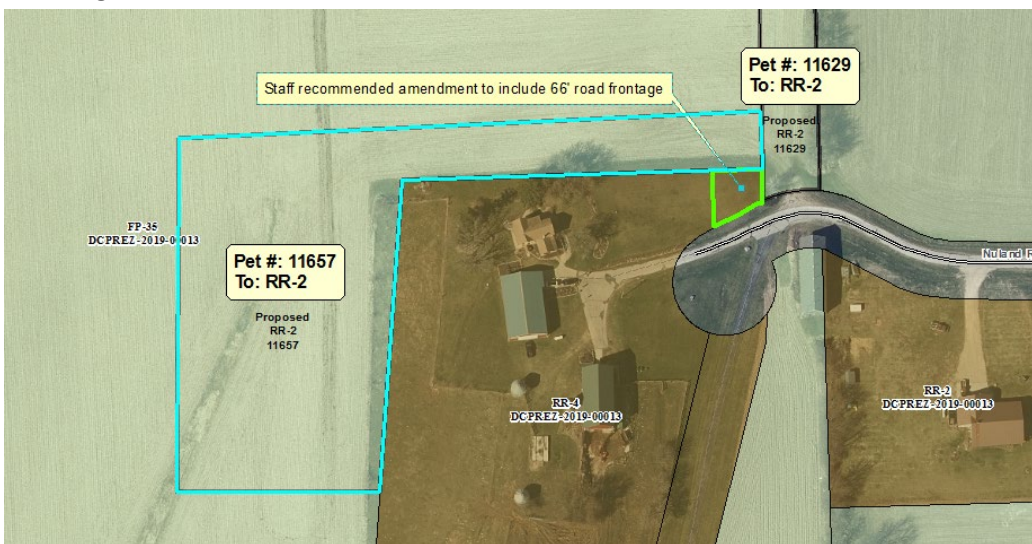
STAFF: This proposal involves a Transfer of Development Rights from another ~160 acre farm that the applicant owns in section 24 near the Jefferson county line. Note that there are no remaining density units available to the subject property in section 33. As indicated on the attached density study report, the sending property in section 33 remains

eligible for 3 density units. If the petition is approved, two possible density units would remain available to the sending property.

The proposed transfer appears reasonably consistent with the town's TDR policies which seek to preserve large, contiguous tracts of farmland and to allow for clustering of new lots in areas of existing development. The image at right depicts the proposed transfer of a density unit from the applicant's farm in section 24, to their property in section 33 south of Hwy 12/18.



Staff is suggesting an amendment to the petition so that the RR-2 lot has 66' of frontage onto Nuland Road, as shown in the image below.



Staff recommends that the petition be approved with the following conditions:

1. The petition shall be amended so that the proposed RR-2 lot includes at least 66' of frontage onto Nuland Road by including land from the adjoining RR-4 zoned parcel #0712-333-8940-6. Said 66' wide portion of parcel #0712-333-8940-6 shall be rezoned from RR-4 to RR-2.
2. A 2-lot Certified Survey Map Parcel shall be prepared to establish the new RR-2 parcel and reconfigure the boundary of parcel #0712-333-8940-6 (Lot 1 CSM 8958).
3. Owner shall record a deed restriction prohibiting further nonfarm development on the subject property in accordance with town of Deerfield plan policies on the remaining FP-35 zoned acreage (tax parcels 0712-333-8501-7 and 0712-333-9001-0).
4. Owner shall record a deed restriction on a minimum 35 acres of the FP-35 zoned sending property prohibiting nonfarm development (tax parcel 0712-242-8000-3).
5. A deed notice shall be recorded on the proposed RR-2 zoned lot indicating that it was created as part of a Transfer of Development Rights.
6. TDR-R (Transfer of Development Rights – Receiving) overlay zoning shall be assigned to the proposed RR-2 lot.
7. TDR-S (Transfer of Development Rights – Sending) overlay zoning shall be assigned to the sending property in section 33 (tax parcels 0712-242-8000-3, 0712-243-9500-5, 0712-243-8001-1, 0712-242-9501-5).

Questions about this staff report? Contact Majid Allan: allan@countyofdane.com / 608-267-2536.

TOWN: Approved.