

Staff Report



Zoning and Land Regulation Committee

Public Hearing: **June 27, 2023**

Petition 11953

Zoning Amendment Requested:

FP-35 Farmland Preservation District TO FP-1 Farmland Preservation District, RR-4 Rural Residential District TO RR-2 Rural Residential District

Town/Section:

DEERFIELD, Section 19

Size: **41,0.5 Acres**

Survey Required: **Yes**

Applicant

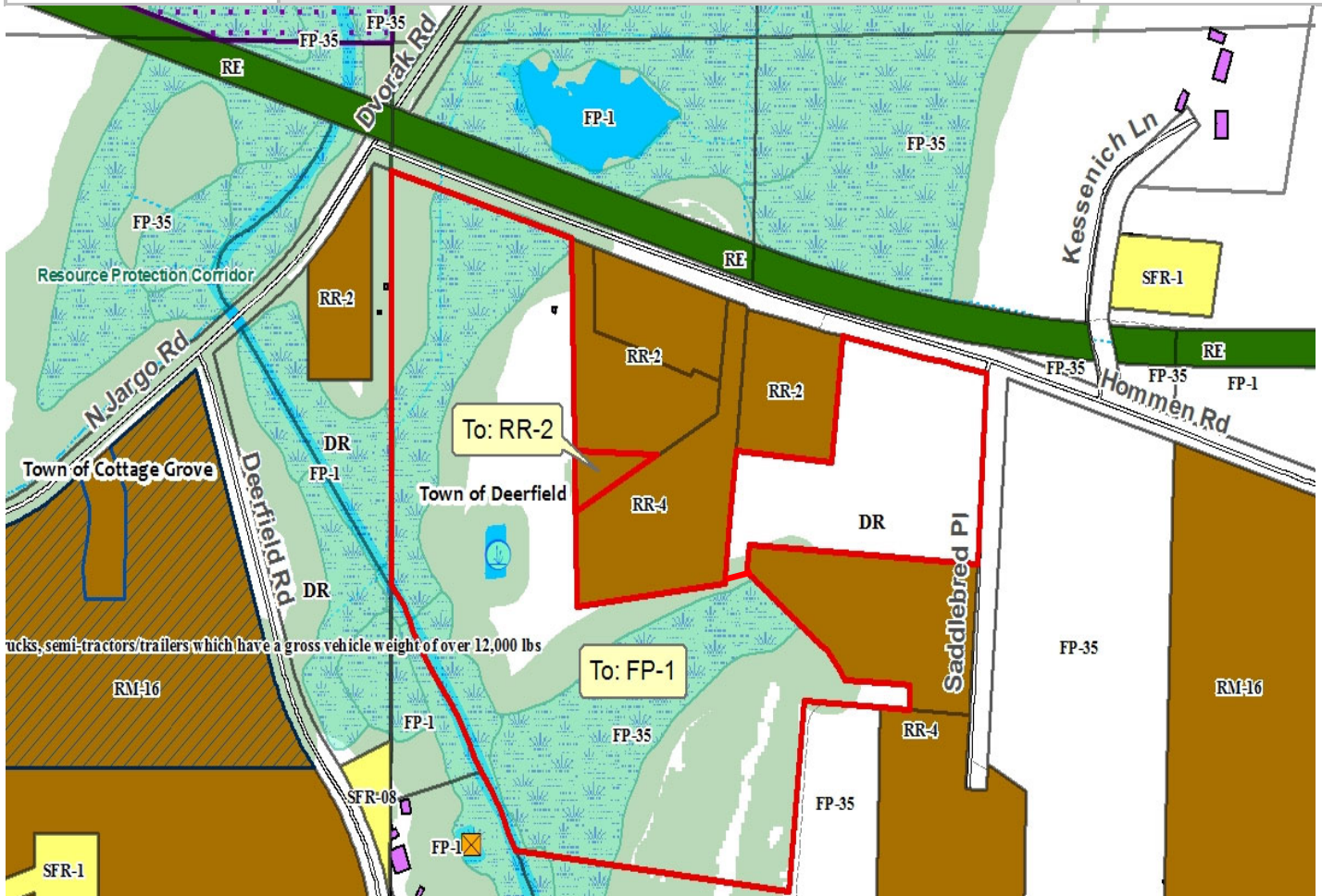
MANNING JT REV TRUST (Mark and Fredricka)

Reason for the request:

Shifting property lines between adjacent landowners and creating two agricultural lots

Address:

1515 HOMMEN ROAD



DESCRIPTION: Applicants Mark and Fredricka Manning propose to shift a lot line between adjacent land owners and split one agricultural parcel into two pieces. No new development is proposed. They wish to rezone 0.5 acres from RR-4 to RR-2, in order to attach that land to the adjacent RR-2 zoned lot to the north (Lot 1 of CSM #11845). They would rezone 41 acres from FP-35 to FP-1 to reflect the smaller lot sizes after it is split into two pieces. A new CSM would be recorded to define all 4 lots (the two existing residential lots and the 2 agricultural lots, in the new configuration).

OBSERVATIONS: The proposed lot configuration conforms to the requirements of the proposed zoning districts, including lot size, building setbacks and lot coverage. The lands that are currently zoned FP-35, and which are proposed for FP-1 zoning, have already been deed restricted (as part of [Rezoning 11476 in 2019](#)) to prohibit non-farm development due to the housing density rights being exhausted for the original farm.

The CSM may be subject to the Village of Deerfield’s extraterritorial jurisdiction for land division reviews, since a portion of the property is within 1.5 miles of the Village boundary.

COMPREHENSIVE PLAN: The property is located in a designated agricultural preservation area. No new development is proposed. The existing FP-35 zoned property is subject to a deed restriction that prohibits further residential development. Staff notes that a similar deed restriction could be required on the FP-1 zoned parcels as a conditional of approval of this petition, as the zoning change to FP-1 serves to lift the prior restriction. This would also ensure correct property descriptions are referenced (i.e. lots 1 and 4 of the proposed new CSM). Pending any concerns raised by the town during the course of its review of the petition, or at the ZLR Public Hearing, the proposed reconfiguration of existing lot boundaries appears reasonably consistent with comprehensive plan policies. (For questions about the town plan, contact Senior Planner Majid Allan at (608) 267-2536 or allan@countyofdane.com.)

RESOURCE PROTECTION: Resource protection corridors are mapped on the property, primarily on proposed Lot 1 reflecting wetlands and floodplain and an intermittent stream that feeds into Koshkonong Creek to the west. There are also some small corridor areas mapped on proposed Lots 2 and 3 that reflect steep slopes and existing development on those lots. No concerns since no new development is proposed.

TOWN ACTION: On June 12, 2023 the Town Board recommended approval of the rezone with no special conditions.

STAFF RECOMMENDATION: Pending any comments at the public hearing, staff recommends approval of the rezone with no conditions other than recording the CSM for the new lot boundaries. Residential development on the FP-1 property will still be prohibited based on the current deed restriction and the FP-1 zoning.

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