
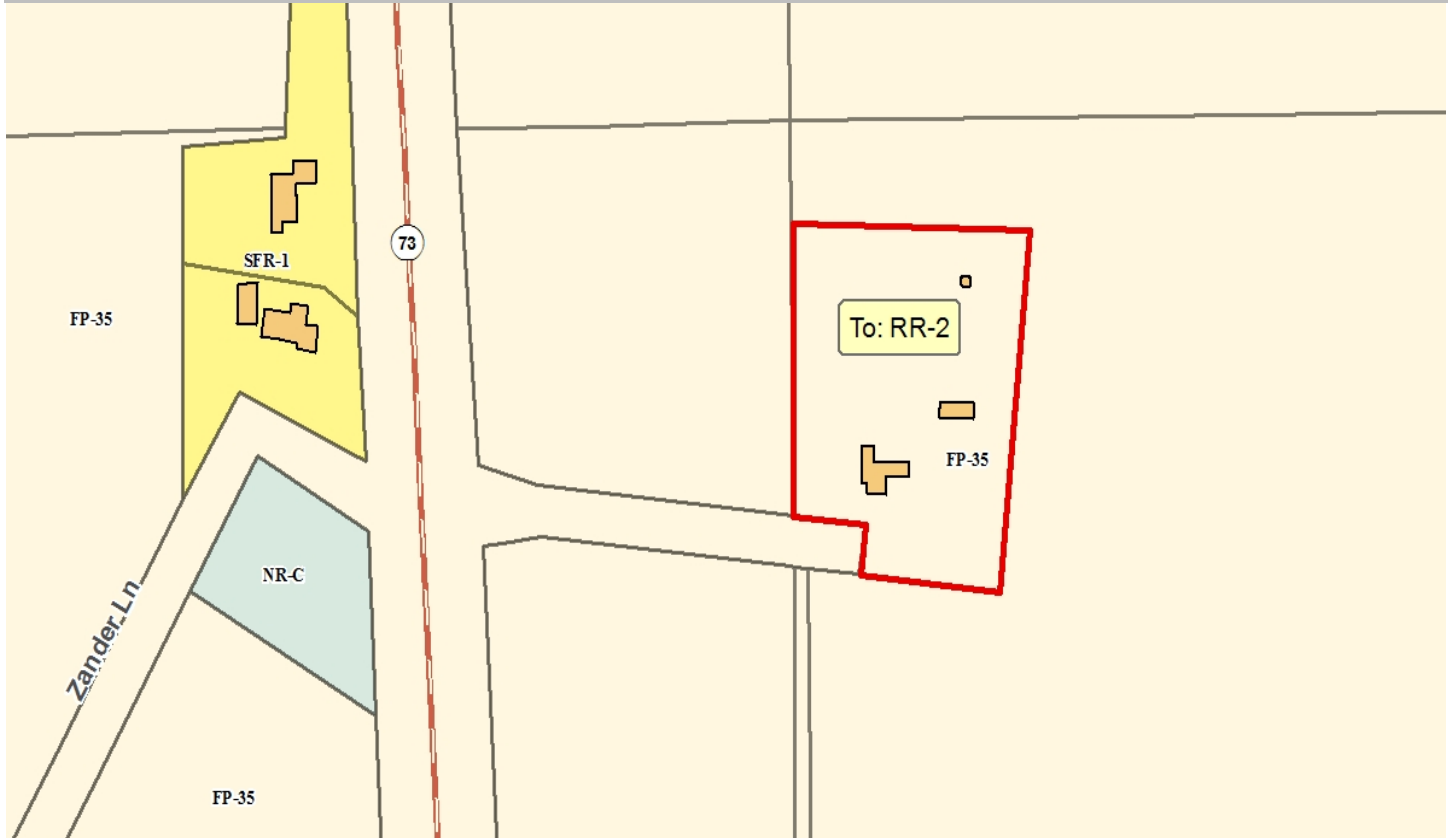


<b>Staff Report</b>    <b>Zoning and Land Regulation Committee</b>	Public Hearing: <b>February 28, 2023</b>		<b>Petition 11922</b>
	Zoning Amendment Requested: <b>FP-1 Farmland Preservation District TO RR-2 Rural Residential District</b>		Town/Section: <b>DEERFIELD, Section 15</b>
	Size: <b>3.2 Acres</b>	Survey Required: <b>Yes</b>	Applicant <b>JAMES &amp; SANDRA MICKELSON</b>
	Reason for the request: <b>Separating existing residence from farmland</b>		Address: <b>4002 STH 73</b>



**DESCRIPTION:** James and Sandra Mickelson wish to separate the existing farmstead from the 80-acre farm in order to sell the crop land. They would rezone 3.2 acres from FP-35 to RR-2 for the new lot.

**OBSERVATIONS:** The farm is currently addressed as 4002 State Hwy 73; however the property is located roughly 450 feet away from the highway right-of-way, with frontage on a town road that appears to be unnamed. Because there are development rights remaining in this area, staff considered that it is possible the town road might be extended at some point in the future if additional lots / home sites are proposed in this area. Staff discussed this with the applicant and town officials prior to the town issuing its approval; see Town Plan and Town Action sections below for how this was addressed.

The proposed lot meets the requirements of the RR-2 zoning district. The property is subject to the Village of Deerfield’s extraterritorial jurisdiction for review of the land division.

**TOWN PLAN:** The property is located in the town’s agricultural preservation planning area. Separation of farm residences built prior to October 26, 1978 onto parcels less than 35 acres in size counts toward the town’s density limit of 1 dwelling unit per 35 acres owned. As indicated on the attached density study report, the original 1978 farm property remains eligible for 4 density units (or “splits”). If this petition is approved, 3 density units will remain available. The proposal appears consistent with town plan policies.

Staff was unable to find any recorded documents regarding allocation of the remaining density units. In the absence of such documentation, town plan policies call for a *proportional allocation* of remaining density units based on current ownership of the original farm unit. Under this scenario, the Mickelsons are eligible for 2 of the remaining density units (1 for the current proposed lot plus 1 additional), and Walsh would be eligible for the other 2.

Town action on the petition indicates the applicant's desire to retain their 1 additional density unit with the 3.2 acre RR-2 lot being created. To implement this, staff recommends that a deed notice be recorded on the proposed RR-2 lot indicating that 1 additional density unit is available for future use on the property, and also that a deed restriction be recorded on the applicant's remaining FP-35 zoned land (balance of tax parcels 071215390009 and 071215385006) prohibiting nonfarm development. For questions about the town plan, contact Senior Planner Majid Allan at (608) 267-2536 or [allan@countyofdane.com](mailto:allan@countyofdane.com))

**RESOURCE PROTECTION:** There are no resource protection corridors present on or within 300 feet of the proposed lot. Wetlands are present further west on the current parcel, but they are more than 75 feet away from the proposed lot.

**TOWN ACTION:** On January 9th, the Town Board recommended approval of the rezone with the following conditions:

1. The first of the two splits will form Lot 1 with the residence and buildings. The second split will be associated with Lot 1.
2. Lot 2 will be deed restricted with no remaining splits.
3. The existing two Town of Deerfield roads to the parcel will be designated as access roads to Lot 2.

**STAFF RECOMMENDATION:** As noted above, the applicants would retain one additional development right with the new lot, and would deed restrict the remnant lands to keep the farmland as farmland. The one development right that would remain with the new CSM lot could potentially be used in this area, or may be transferred elsewhere in the future. The Town's approval indicates that the current roads off of Highway 73 are sufficient to serve the current home and surrounding farm land, without requiring any modification or additional right-of-way dedication such as a cul-de-sac bulb. However, if additional development lots are proposed in this area in the future, modifications to roads could be required at that time to provide access to additional lots. Since there will not be a Lot 2 for this CSM, the recommended condition language regarding the roads has been modified slightly for clarity.

As noted above, the subject property is currently addressed at 4002 State Highway 73. Future development at this location will prompt the assignment of a road name and a new home address under Chapter 76 of Dane County Ordinances, if the road will serve two principal structures.

Pending any comments at the public hearing, staff recommends approval subject to the applicant recording a CSM for the new lot, and the following conditions:

1. A deed notice shall be recorded on the proposed RR-2 lot indicating that 1 additional density unit is available for future use on the property.
2. A deed restriction shall be recorded on the remaining FP-35 zoned land (balance of tax parcels 0712-153-9000-9 and 0712-153-8500-6) stating the following:
  - a. Further nonfarm development is prohibited on the remaining FP-35 zoned land. The housing density rights for the former farm have been exhausted per the Town Comprehensive Plan density policies.
3. The existing two Town of Deerfield roads to the parcel provide sufficient access to the proposed CSM lot and surrounding lands.

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