

22. How would you rate efforts of the County to guide where development occurs?

- Too much planning, policies and ordinances directing development
- About the right amount of planning, policies and ordinances directing development
- Not enough planning, policies and ordinances directing development
- Unsure

Primrose and County do not follow Ordinances, Policies or state stats in the application of Plan.

23. Is there anything else you'd like to share with Dane County Planning Division regarding the recertification of the Farmland Preservation Plan?

I have enclosed copies of letters to the Town of Primrose showing how they and the County did NOT follow Ordinance, Policies, and State Stats. In addition I am requesting this survey and additional comments ~~to~~ be part of recertification Review, and Hearing. I would be happy to be able to explain my dissatisfaction further!

Thank  
William B. Haack

Haack Tr.

1582 Liberty St.

Mt. Horeb, Wi., 53572

## Farmland Preservation Plan Recertification Survey

24. At this time the survey is only available in English. Please provide your email address or phone number below so we can send you an email or text when the survey in the language selected is available. Please see the website for more details (translations available by scrolling to bottom of page).

[Click here to access site.](#)

En este momento, la encuesta solo está disponible en inglés. Proporcione su dirección de correo electrónico o número de teléfono a continuación para que podamos enviarle un correo electrónico o un mensaje de texto cuando la encuesta en el idioma seleccionado esté disponible. [Consulte el sitio web para obtener más detalles](#) (traducciones disponibles desplazándose hasta la parte inferior de la página).

Lub sijhawm no daim ntawv ntsuam xyuas tsuas yog muaj ua lus Askiv xwb. Thov muab koj li email chaw nyob lossis tus lej xov tooj hauv qab no kom peb tuaj yeem xa email lossis ntawv rau koj thaum daim ntawv ntsuam xyuas hauv hom lus xaiv muaj. [Thov mus saib lub vev xaib kom paub meej ntxiv](#) (kev txhais lus muaj los ntawm scrolling rau hauv qab ntawm nplooj ntawv).

William Haack  
1582 Liberty Street  
Mt. Horeb, WI 53572

Via e-mail only

Town Board of the Town of Primrose  
c/o Ruth Hansen, Town Clerk  
706 Bowers Road  
Belleville, WI 53508

RE: Town Comprehensive Plan Review

Dear Board Members:

At long last, this past January I was able to finally obtain a rezoning and record a Certified Survey Map to use the four density units available to my property. I am thankful to the Town Board for its willingness to continue to work with me and my attorney, Matt Fleming, in finally achieving this result. This gratitude, however, does not eliminate the lingering frustration I feel about the experience. The process of getting these lots approved was far more difficult than it should have been, took far too long, was far too expensive and, in my opinion, failed to produce the best result that could have been achieved for me or the Town. Accordingly, I feel compelled to point out what I believe to be significant problems with the Town's Comprehensive Plan.

The process of obtaining approval began when I first applied for a parcel status evaluation in 2007. It took over a year to resolve the status of existing parcels. In the end it the County determined that I was entitled to 4 density units under the Plan. I applied for a rezoning and Conditional Use Permit to create a secondary farm residence in 2012. That application was approved, however, rather than resulting in the use of one density unit, the approval would eliminate all remaining density units by the construction of a single home. I began discussions with the Town to explore different development options that would permit the use (or at least preservation of) all available density units in March of 2014. The CSM that resulted from this process, a CSM that looks nothing like what I originally planned, was not finally recorded until 2018 – 11 years after I began.

To be candid, and at the risk of being perceived as ungrateful, I cannot erase the sense that this difficulty was, to some degree, a product of board members' bias against me. I have

felt that, at various times throughout the process, both the Town and the County have failed to accurately or consistently apply ordinances and policies to my applications and have treated me differently than other similarly situated individuals.

I recognize, however, that nothing productive is going to come of dwelling upon, or trying to prove the accuracy of this perception. Personal feelings aside, I think that the difficulty I experienced, can be just as easily explained as a product of deficiencies in the Town Comprehensive Plan. These deficiencies put both property owners and the Town Board in difficult positions. When the rules that guide decision making are unclear, it is difficult to produce consistent outcomes and difficult to maintain the perception of fair decision making. This is not only unfair to applicants, but unfair to those who have volunteered to take on the thankless task of making these difficult land use decisions.

It is in that spirit that I would like to discuss a number of issues that arose during this 11-year ordeal. As recognized in the Town Comprehensive Plan, the Town is to review the Comprehensive Plan every 10 years. The year 2020 is fast approaching. Accordingly, I invite the Board and Plan Commission to consider these remarks.

It is self-evident that the wisdom of specific policies in the Comprehensive Plan must be measured against the degree to which those policies help to further the goals of the Plan. To the extent the specific policies produce outcomes that fail to advance the goals of the Plan or produce differences in outcomes where the differences are not explained by furtherance of Plan goals, those policies must be viewed as flawed and in need of change. The density policies in the Town Comprehensive Plan fail this test.

A. The main goal of the Comprehensive Plan is to preserve agricultural land.

The Town Comprehensive Plan, in Chapter 8, page 5, identifies four main goals. Number one on that list is to “[p]reserve the productive farmlands in the town for continued agricultural use. Goal two, to “[p]revent conflicts between incompatible uses”; and Goal four, to “[m]aintain the rural character of the town” are really corollaries of the goal of farmland preservation.

The Plans’ objectives include to “[p]rotect, maintain and restore unique natural resources such as wetlands, floodplains, hydric soils, steep slopes, woodlands and productive farm soils.” (Comp. Plan Ch. 8, p. 5). It’s policies state an intention to “[m]inimize development impacts on productive agricultural lands, or those lands with a history of productive farming activity,” and to “[l]imit non-farm residential development to those areas that are not classified as productive farmland.” (Comp. Plan Ch. 8, p. 6). Objectives specific to agricultural land in the Agricultural Preservation area are to “[c]ontinue to maintain and

encourage production agriculture” and to “[d]irect nonfarm development away from productive agricultural lands.” (Comp Plan, Ch. 8, p. 7).

When I look at what I experienced over the past 11 years and the approved lots that resulted from this process, I can only conclude that the Plan is failing to meet these goals and objectives. Agricultural production, farm related development and the rural character of the Town can only be preserved by policies that allow property owners to make use of their land in ways that maximize their agricultural practices and that assist in passing along those traditions to the next generation. The current Plan, in contrast, imposes extreme hardships that do not operate to further its goals, but rather frustrates them.

B. Density Option B produces unfair, disproportionate and inconsistent results.

Like most rural towns in Dane County, Primrose’s density policy is based upon one dwelling unit per 35 acres. That density, however, is generally reserved for development that causes building sites, driveways and roads to be located entirely upon woodland and pasture land. If any part of a proposed driveway or road crosses “historically cropped” lands, the property owner pays a very stiff price; the allowable density goes from one dwelling unit per 35 to one dwelling unit per 70 acres. This dramatic reduction in density is aggravated even further by the “no rounding” rule which will, in many cases, cause more than half of a property owner’s density units to disappear.

My 2012 application for a secondary farm residence is a prime example of this. My property consisted of 175.97 original farm acres. Divided by 35, the original 175.97 farm acres permitted 5 density units, one of which had been used for the sale of a 4.8 acre parcel of land in the late 90’s. In order to locate the planned secondary farm residence on lands that were neither croplands, nor lands with very steep slopes, a driveway, crossing less than 200 feet of cropped lands on extremely poor soils (LESA Class 6 and 7) in the extreme southeastern corner of my property, was necessary.

This driveway would have had an almost imperceptible impact on the overall farm operations on my property or on its productive capability. Nonetheless, because of the “Density Option B” provisions in the Comprehensive Plan, the total density allowed was reduced from 5 dwelling units to 2.5 dwelling units, one of which, again, had already been used. This left me with only 1.5 units remaining. The Plan’s “no rounding” rule, reduced the final density to one. In total, this small driveway cost me 3 dwelling units.

The impact of the Density Option B rules on my land value and ability to use my density units was wholly out of proportion with the impact. While some “historically cropped” land would have been crossed, that land was of low quality for crop production and

part of a tail-end of cropped lands not as efficient to farm than lands part of a larger, more contiguous area of crop lands.

Conversely, what I sought to develop was not a residential lot to be sold off to a non-farmer seeking a slice of rural life from which to commute to work in Madison. Rather, it was to provide a secondary residence to allow my daughter to live on the farm and to help in an expansion and relocation of our horse breeding operation. A house would have been constructed, but also stables and agricultural accessory buildings that would have enabled my lands to be used more profitably for agricultural type uses. None of these buildings would have occurred on cropped lands.

Imposing Density Option B upon me forced me to entirely relocate my horse breeding operations off of this land. Instead of helping to keep my family farming on these lands, the Town's policy hindered those efforts. Instead of allowing just one of my density units to be used for a secondary farm residence, I am now using all four of my remaining density units on pure residential development. Rather than further the goals of the Plan, the density policy frustrated those goals.

If this were not enough, only 6 weeks after my application, Steve and Sue Ottman applied for a conditional use permit for development that caused a driveway to cross cropped lands and also would permit development to occur upon historically cropped lands. Under the Plan, Density Option "B" should have required the Ottmans to have 70 acres of land to be entitled to a density unit. Instead, they had only 40 acres, but nonetheless, had their CUP approved.

C. The Density Policy fails to keep productive agricultural lands in agricultural use.

As noted above, the density policy is focused entirely on the siting of buildings, driveways and roads. Productive agricultural lands, however, do not need to be built upon in order for agricultural production to be adversely affected. While the lots the Town recently approved for me will not have actual construction occur upon cropped lands, approximately 3.5 acres of land that is currently cropped is now located within the boundaries of these residential lots. This land will continue to be farmed until the lots are sold, however, once the lots are sold, this 3.5 acres of crop land will be divided up into separate ownership and will likely be taken out of production.

While little to none of my lands are made up of highly productive soils, these lands are directly contiguous to a relatively large productive area of crop land that can be farmed in an effective and cost efficient manner. Had the Town accepted my earlier proposals to allow my secondary farm residence, and to allow the development of lots off Highway G, any remaining density units used off of Liberty Street would not need to have encompassed any

crop lands. While it is true that these productive crop lands included within my lots will not be built upon, they will ultimately be rendered no more productive than if they had been.

D. The Density Policy Lends itself to arbitrary application.

The entire reason for denying me the ability to develop any lots off of Highway G was based upon the conclusion that driveways for such lots would cross "historically cropped" lands rather than pasture land. The basis for this conclusion was based almost entirely upon the fact that I had occasionally cut the grasses on these lands and kept the resulting hay to use for bedding purposes.

I remain mystified how preventing driveways from crossing these lands in any way served the goals of the Comprehensive Plan. This area had never been tilled, nor planted for crop production. The grasses grown on these lands were not grown in a rotation practice with any other agricultural commodities. The land is not suitable for tilling as is apparent by the LESA soil mapping designation reflected in the Town's Comprehensive Plan. The field contains nothing but wild natural grasses maintained for grazing. What is cut is not sold. Nor do the cut grasses produce quality forage. I pasture animals in these areas then rotates them to other fields. When areas that are not heavily grazed or that grow back before they can be grazed again, I cut them in accordance with USDA/FSA recommendations. If enough grass is cut, I will bale it, also in accordance with USDA/FSA recommendations in order to avoid smothering regrowth.

At the Town Board's request, I produced records from the USDA/FSA as well as information and opinions from the Dane County agronomist to help determine whether the lands I sought to include were pasture. All of this information supported the conclusion that these lands were pasture land. Town Board, however, after requesting I produce this information, ignored it. All that mattered was that these grasses had been cut.

Of all the conclusions the Board arrived at in reviewing my various proposals, this one remains the most frustrating and mystifying. Nothing in the Comprehensive Plan suggests that these lands were of the sort intended for protection. I did nothing upon these lands but engage in sound pastureland maintenance practices. Nonetheless, preferable development options were denied to me. This was a perverse results on at least two different levels. First, the Town's interpretation has led to approval of residential lots that will have the effect of taking approximately 3.5 acres of undisputedly productive farm land out of production. Second, the Town's policy will discourage land owners from engaging in recommended pastureland management practices.

While I believe that the term "crop" and "cropping" are sufficiently understood terms in the farming industry and particularly so when read in context with the rest of the

Comprehensive Plan, it is apparent to me that a clearer definition needs to be created. The Town Board deviated from the manner in which these terms are most commonly understood. Because of the adverse consequences of this interpretation, I think a clearer definition, in keeping with the commonly understood usage of these terms should be used. At a minimum, however, if the Board believes its interpretation was correct, it should clearly establish its interpretation within the language of the Comprehensive Plan so support exists for this interpretation when it is applied.

#### CONCLUSION

If the Town of Primrose truly wishes to preserve productive agricultural lands, its Comprehensive Plan cannot rely upon rules that produce inconsistent and punitive results that fail to bear a reasonable relationship to the actual impact on the farm in question. Clearer definitions of key terms are required. Inflexible and illogical formulas should be abandoned. Agricultural preservation and rural character can and should be observed, but not by applying confiscatory land use policies that unduly punish certain landowners and make it more difficult to farm and pass their land on to the next generation. I look forward to the coming review of the Town Comprehensive Plan and hope that the lessons learned from my experience can be relied upon to produce a better Comprehensive Plan moving forward.

Sincerely,

Bill Haack.

Ruth Hansen – Clerk  
Town of Primrose  
8468 County Road A, Verona, Wisconsin 53593  
608-576-6821

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**From:** William Haack <williamhaack@outlook.com>  
**Sent:** Friday, January 7, 2022 11:05 AM  
**To:** clerk@townofprimrose.com  
**Subject:** Comp plan review ,by TB. / PC. , concerning CUPs.

In order to help move the delay process of the comp plan when it resumes, I am asking the town to answer the following questions. Also that this become part of the public review.

Why the difference in the approval of cups 2219 Haack n 2220 Ottman ?

Note: Both met the 6 requirements layed out by the ordinance. 2220 Ottman wanted to have a primary residence on a 40 + acre Christmas tree farm. 2219 Haack wanted to move his breeding operation to another site in order to increase income by having more space for more boarders on his existing farmstead, without having to expand said farmstead.

Note: Ordinance speaks to the reasoning for a secondary residence." It is to allow for the next generation to enter the farming business without forcing the existing generation off ". My daughter was to take over existing boarding operation n in the future grow organic produce. I know of no ordinances explaining the reason for approval of a primary farm residence.

Note: 2219 proposal was to place house n small ag building on the edge of a wood lot. Driveway would cross less than 200 ft of ag land on the edge of ag field. 2220 place house ,ag buildings,n driveway in ag land. 2220 was approved by TB within the timeline of the ordinance, requiring one density. 2219 was delayed for over a year n half in violation of the ordinance. TB claimed it needed more info at a hearing ,yet never conveyed to Haack as to what was needed. TB approved 2219 but requiring 4 splits. Statue's/ Ordinances require a delayed application be allowed to move forward n applicants be treated equity.

Why the difference in in the approval of 2219 n 2220? Why the discrimination? How does this help farming n the preservation of family farming when the town take the value from ag land especially when it is ag related? Again why the difference in applications in like instances?

Thank you William Haack

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**Re: Comp plan review ,by TB. / PC. , concerning CUPs.**

William Haack &lt;williamhaack@outlook.com&gt;

Fri 1/7/2022 3:14 PM

To: Ruth &lt;clerk@townofprimrose.com&gt;

Retirement home n clustering.

My future retirement home was denied because it crossed hydraulic soil, even though an existing road crosses that soil. TB had recently approved a residents in township. That drive crossed hdy soil in Springdale before entering primrose. TB sited lack of Springdale ord as reason. TB never gave me an alternative site . ( TB worked with n came up with alternative sites for other retirement applicants). Instead was told to put retirement home in pasture next to farmstead. I believe all other retirement applicants were allowed to put house in ag land even though they had pasture or wood lots. Clustering. My proposal was to cluster next to Mt Vernon, already a cluster,away from my farmstead entirely in pasture. TB would only approve a cluster next to farmstead taking several acres of farmland out of production. My driveway proposal was about half the grade as what the TB approved. TB sited set back as reason even though Springdale has no set back ordinance.

Why was a lack of a Springdale ordinance waved in the Oltman case but enforced in the Haack application? Especially when one considers the facts above. Policy had always been contrary to what the TB did. Why the difference, discrimination?

Use of FSA mapping

Why are some required to present mapping n others are not. Example: David Cordray development file shows his driveway crosses ag land when it wasn't allowed by ordinance. Bill Olson development wasn't required to product mapping,all structures were allowed again in violation of the ordinance I'm familiar with each case having served on the PC n live next to the former Olson property.. Only looking for honest answers  
Thank you , William Haack

[Get Outlook for Android](#)**From:** William Haack <williamhaack@outlook.com>**Sent:** Friday, January 7, 2022 1:22:37 PM**To:** Ruth <clerk@townofprimrose.com>**Subject:** Re: Comp plan review ,by TB. / PC. , concerning CUPs.

Thanks Ruth. I have many more questions , comments regarding my residential n retirement homes as to why policies n ordinances weren't followed. Again ,why i was treated differently than others especially TB , PC n some of their extended family n as well as other residents. I would get those comments to asap n then the TB can decide if they want to wait for the public hearings to proceed or do it on Skype . I would need some assistance using Skype n could find someone to help me. Will get additional questions to you.

Thanks Bill

[Get Outlook for Android](#)**From:** Ruth <clerk@townofprimrose.com>**Sent:** Friday, January 7, 2022 12:06:37 PM**To:** 'William Haack' <williamhaack@outlook.com>**Subject:** RE: Comp plan review ,by TB. / PC. , concerning CUPs.

I have forwarded your email to the Town Board.

Let me know if you want to be on an agenda for discussion regarding this.