
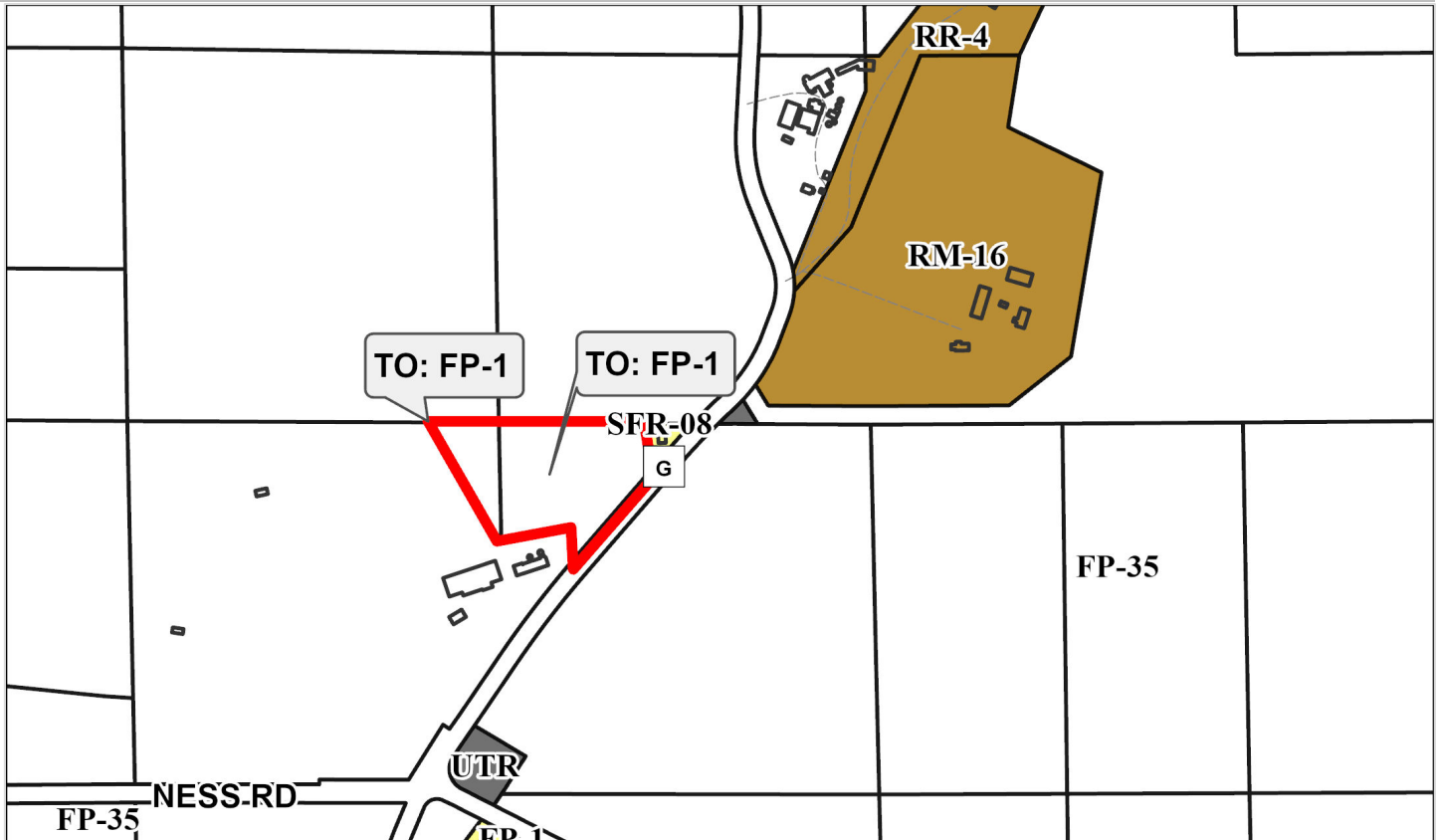


Staff Report  Zoning and Land Regulation Committee	<i>Public Hearing:</i> December 19, 2023	Petition 11996
	<i>Zoning Amendment Requested:</i> FP-35 Farmland Preservation District TO FP-1 Farmland Preservation District	<i>Town/Section:</i> PRIMROSE, Section 32
	<i>Size:</i> 5.64 Acres	<i>Survey Required:</i> Yes
	<i>Reason for the request:</i> ZONING TO ENABLE SALE OF AGRICULTURAL PARCEL	



DESCRIPTION: Applicant proposes to rezone 5.6 acres of agricultural land from FP-35 to FP-1, in order to sell it as a stand-alone agricultural parcel.

OBSERVATIONS: The proposed lot conforms to the requirements of the FP-1 zoning district, including public road frontage. The FP-1 district is intended for agricultural uses that generally do not require structural improvements on site. The property contains significant steep slopes (roughly 8% to 25% grade) and thus may be difficult to farm and access.

See sections below for Highway Department comments and Staff Recommendations sections below.)

DANE COUNTY HIGHWAY COMMENTS: CTH G is not a controlled access highway. No new access will be permitted on CTH G due to reconfiguration of lots. Any future change of use for access requires a permit from the Highway Department. No significant increase of traffic expected due to rezone. Additionally, the preliminary CSM included in the rezone petition needs No Access designated across the frontage of CTH G due to sight distance from the North. Also, an access easement through 9306 CTH G may be needed to Lot 1.

COMPREHENSIVE PLAN: Property is within a Farmland Preservation Area under the *Town of Primrose / Dane County Comprehensive Plan*. The proposal is consistent with the plan's overall goals of "maintaining and encouraging production agriculture, agricultural-related businesses, forestry, open space, and compatible uses."

As noted in the attached density study, there are 2 available density units on the original farm. Staff recommends that the landowners holding at least 35 acres record an agreement to clarify how any remaining density units will be allocated. Such an agreement is not required for Petition 11996 because no home site is being created with this petition. However, the landowners may want to record an agreement prior to contemplating any residential rezoning or development in the future, to ensure consistency with the town land use plan. (For questions about the town plan, contact Senior Planner Brian Standing at (608) 267-4115 or standing@countyofdane.com)

RESOURCE PROTECTION: There are no sensitive environmental features present on the subject property. No concerns since no new development is proposed.

TOWN ACTION: On December 4, 2023 the Town Board recommended approval of the rezone with no special conditions.

STAFF RECOMMENDATION: As noted above, staff recommends an agreement between the landowners for the future allocation of density rights in the event that future development is proposed.

Whenever property is being divided by a CSM, site access must be provided as part of the review. Based on aerial photos, there appears to be an existing vehicular access to this site through the adjacent farm owned by Knapp and Manshardt at 9306 CTH G. The applicant indicated that an access easement exists for the property being rezoned. Staff was unable to find a recorded easement with the Register of Deeds in an initial search, but Highway Department staff found an unmapped easement in recorded document #3845967 from 2003 (see below).

The image below shows the location (outlined in light blue) of the "Non-Exclusive Easement for Driveway Purposes" referenced on Document #3845967.

However, when Access Permit #19A007 was issued in 2019 for a new commercial driveway for the Knapps' horse boarding facility, the Highway Department required that all other driveways be removed. This should have removed the driveway associated with the 2003 easement. As a result, the FP-1 lot proposed by this rezone petition currently has no legal access.



Staff recommends postponement at this time, to allow time for the former access to be removed.

Pending the resolution of the driveway compliance issue, and any comments at the public hearing, staff would recommend approval of the petition subject to the applicants recording the CSM for the lot, and the following condition:

1. A driveway access easement will need to be recorded on the adjacent lands to provide access from a Dane County Highway approved access point to the property.

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