

TOWN BOARD ACTION REPORT - REZONE

Regarding Petition # MPREZ-2015-10856

Dane County Zoning & Land Regulation Committee Public Hearing Date 7/28/15

Whereas, the Town Board of the Town of Montrose having considered said zoning petition

be it therefore resolved that said petition is hereby (check one): Approved Denied Postponed

Town Planning Commission Vote: 4 In favor 0 opposed 1 abstained Absent

Town Board Vote: 3 In favor 0 opposed 0 abstained

THE PETITION IS SUBJECT TO THE FOLLOWING CONDITION(S) (Check all appropriate boxes):

- 1. Deed restriction limiting use(s) in the _____ zoning district to only the following:

- 2. Deed restrict the balance of A-1 EX Agricultural Exclusive zoned land owned by the applicant from the original farm (as of date specified in the Town Plan) prohibiting non-farm development. Please provide property description, or tax parcel number(s):

- 3. Deed restrict the applicant's property described below prohibiting division. Please provide property description, or tax parcel number(s):

- 4. Condition that the applicant must record a Notice Document which states all residential development units (a.k.a. splits) have been exhausted on the property, and further residential development is prohibited under Town & County Land Use Planning policies. Please provide property description, or tax parcel number(s):

- 5. Other Condition(s). Please specify:

Please note: The following space is reserved for comment by the minority voter(s), **OR**, for the Town to explain its approval if the decision does not comply with the relevant provisions of the Town Plan.

I, Julie Bigler, as Town Clerk of the Town of Montrose, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on 5/5, 2015.

Town Clerk Julie Bigler Date: 6/16/15, 2015.

**Town of Montrose Land Use Committee
April 27, 2015 Meeting Report**

Members Present: Deb Brucaya, Junior Eichelkraut, Jerome Gobel, Tim Schmitt
Members Absent: Tom Sarbacker

Minutes are not official until approved by land use committee (LUC) members.

Minutes of the March 23, 2015 land use committee meeting were approved as read.

The first item of business was a request presented by Dave Jenkins to rezone land in the SESE of Section 17 as shown on a preliminary CSM and an aerial parcel exhibit, both prepared by JSD Professional Services in Verona as Project 14-6559. Specifically, a close to 5-acre parcel located along Cate Road would be rezoned from A-1 Exc. to RH-2 to separate the existing home and outbuildings. The remaining acreage in excess of 36 acres would remain A-1 Exc. and be sold to Tom Jenkins, who currently farms the land. There was no splits analysis.

There was minimal discussion of the request. **Junior moved and Jerome seconded to recommend approval of the rezone of the 4.9568-acre Parcel B (Lot 1) located in the SESE of Section 17 from A-1 Exc. to RH-2, to split it off from the larger parcel. The remaining 36.133-acre Parcel A (Lot 2) would remain A-1 Exc. The motion carried unanimously.**

The second item of business was further consideration of the request from representatives of the (Jessimae) Hageman Revocable Trust, which was heard and approved last month by the land use committee and the town board, to separate 2.362 acres at 7698 State Road 69 from the rest of the farm and to rezone the parcel from A-1 Exc. to RH-1. That request involved creating an easement to an existing septic field. Ed Short, and Gary and Janice Hageman were present for the discussion.

Reconsideration of the request is needed to address Dane County's concerns related to 1) zoning of the remaining acreage now known as Lot 2, and 2) use of an easement by Lot 1 to access the septic field. The CSM would need to be amended.

- 1) The county regards State Road 69 to the south and Fritz Road to the west as natural boundaries to the remaining 19.388 acres, which is below the 35 acre minimum needed to remain A-1 Exc. This means the 19 acres must be rezoned, probably to Ag. District A-2, however, any zoning other than A-1 Exc. means the loss of eligibility to claim Farmland Preservation credits, which the Hagemans want to keep.
- 2) Although once an accepted practice, Dane County Public Health will no longer approve a rezone that includes septic access by easement; land needed for a septic system must instead be included in any new lot and be part of the new lot's deed of ownership. The Hagemans think that separate ownership of this septic field land, which extends north to the tree and property lines, will interfere with their future access to the farmlands immediately east of Lot 1.

Jessimae Hageman's will specified the house and surrounding acres be separated from the main farm for her daughter, Sandy Werner. Town Chairman Roger Hodel is talking with Roger Lane, Dan Everson, and others at Dane County's zoning and public health departments to see what bearing this fact may have on requiring the rezone of the remaining 19 acres and on regarding this acreage as separate from other noncontiguous A-1 Exc. land owned by the Hagemans. Roger is also discussing with the county

Town of Montrose
Regular Board Meeting Minutes
Tuesday, May 5 2015, 8:00 p.m.

Meeting was called to order by Chair Roger Hodel at 8:03 p.m.

Clerk stated for the record that notice had been posted according to Open Meeting Laws.

Present: Chair Roger Hodel, Supervisors Dan Palmer and Randy Francois, Treasurer Jody Gerner and Clerk Julie Bigler.

Others Present: Janice Hageman, Gary Hageman, Mario Gobel, Mark Gobel, Ed Short, Land Use Chair Tim Schmitt, Bill Warner, Craig Kamholz from Rural Insurance, Dave Jenkins and Molly Freitag.

Motion made by Dan Palmer, seconded by Randy Francois and made unanimous by Roger Hodel to approve April 7, 2015 Regular Board Meeting minutes as read. Motion carried.

Motion made by Randy Francois, seconded by Dan Palmer and made unanimous by Roger Hodel to approve April Treasurers report as read and pay all bills. Motion carried.

Announcements: The town extends their condolences to the families of Kate Fahey and Lester Palmer. May 4th - 8th is Municipal Clerks Week.

Tim Schmitt reported on the Hageman rezone - The county had issues regarding the septic easement and the two other tax parcels. The county request zoning be changed to A-4. However the town does not recognize A-4 in their comp plan. Rezoning to A-2 will be accepted. Lot one is now 2 acres. Land Use Committee did not vote on alterations and there must be a noting on the CSM Lot 2 to remain A1-Ex, lot is part of the Hageman Farm and shall not be sold as a separate parcel until such time as appropriate zoning is assigned to the lot. Lot 1 rezone from A1-EX to RH-1. Tim also reported that Jason Klein asked about a driveway permit and Sue Christensen asked about reconfiguring her lot. These are pending and there will not be a May Land Use Committee Meeting.

Craig Kamholz, Rural Insurance Presentation, Annual reviewed the town's insurance policy. There were no changes made on the policies.

Motion made by Dan Palmer, seconded by Randy Francois and made unanimous by Roger Hodel to approve the request by the Jenkins Trustees to create Parcel B of 4.9568

acres to be zoned RH-2 with the remaining Parcel A of 36.133 acres to remain A1-EX for the purpose of parceling of the house and buildings Motion carried. Dave Jenkins presented information regarding his rezone request. The Land Use Committee voted 4 aye 0 nay with one member absent to recommend approval of the rezone of the 4.9568 acre Parcel B from A-1 EX to RH-2.

Motion made by Dan Palmer to amend motion made on April 7, 2015 Hageman request to change lot 1 from 2.35 acres to 2.00 acres, and Lot 1 will be zoned RH-1 and the remaining Lot 2 will be 20.5 acres to remain A1-EX with a notation on the CSM, seconded by Randy Francois and made unanimous by Roger Hodel Motion carried. Lot 2 is part of the Hageman Farm and shall not be sold as a separate parcel until such time as appropriated zoning is assigned to the lot.

Public Input-Molly Freitag commented on the great job Mark did on her road.

Motion made by Randy Francois, seconded by Dan Palmer and made unanimous by Roger Hodel to adjourn May 5, 2015 Board Meeting at 8:55 p.m. Motion carried.

Respectfully Submitted,
Julie L. Bigler, Town Clerk

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