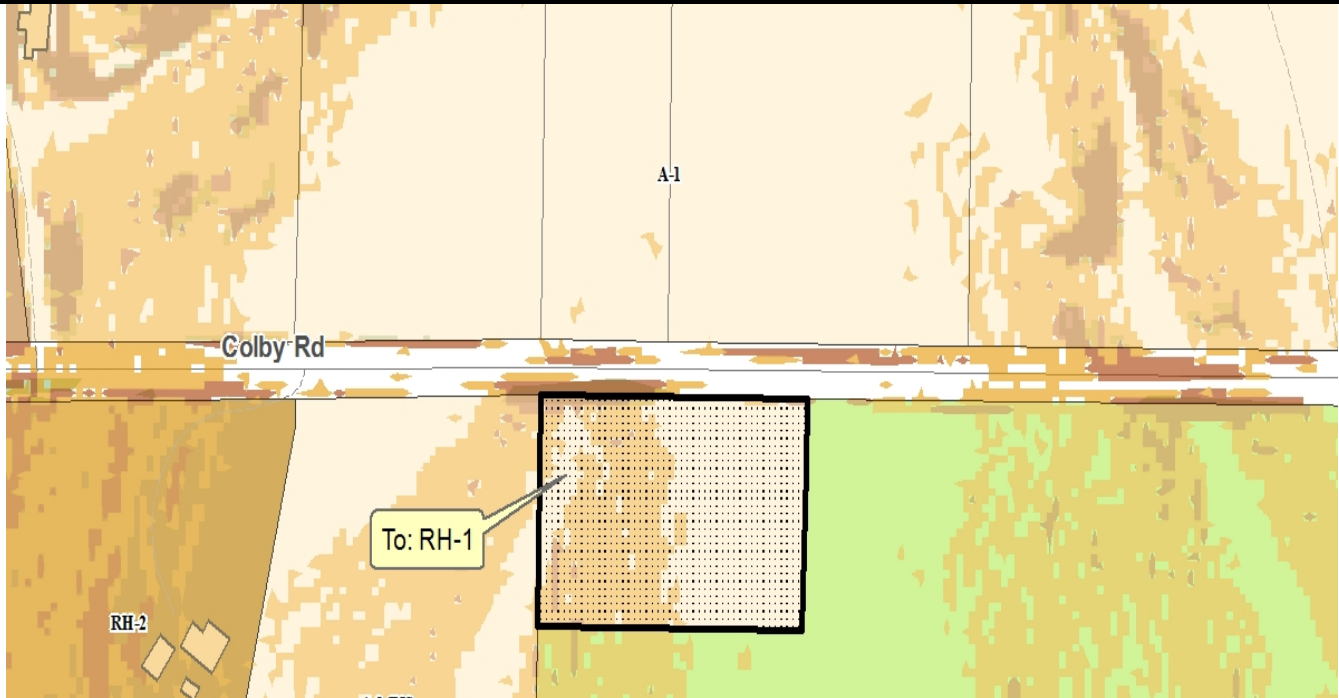




# Staff Report

<b>Zoning and Land Regulation Committee</b>	<b>Public Hearing: February 28, 2017</b>	<b>Petition: Rezone 11083</b>
	<b>Zoning Amendment: A-1EX Exclusive Agriculture District to RH-1 Rural Homes District</b>	<b>Town/sect: Primrose Section 04</b>
	<b>Acres: 3 Survey Req. Yes</b>	<b>Applicant Beghin Living TR, Donald L &amp; Marian M</b>
	<b>Reason: Updating zoning to allow for a single-family residence</b>	<b>Location: West of 8853 Colby Road</b>



**DESCRIPTION:** The petitioner would like to update the zoning of an existing legal non-conforming lot to have it align with current zoning ordinances.

**OBSERVATIONS:** The property is a 3 acre lot created under CSM #4158 in 1983. The property was created legally under the A-1 Agriculture Zoning District prior to the Town of Primrose adopting A-1Ex Exclusive Agriculture in 1985. The property is fully wooded with slopes of approximately 12% grade.

**HISTORIC SOCIETY:** The GIS information identifies the area as a property with burial mounds. It is the Emma Pierce Mound Group. This is a very well-known burial site that is partly cataloged. Given what you've shared about this parcel/potential development, this is a situation where the land owner must be notified (by us, per Wis. Stat. § 157.70 (2r) – (5)) of the burial disturbance review processes and of the penalties that apply for violation of the law. See information.

**TOWN PLAN:** The property is located in the Agricultural Preservation Area. This property has been legally created prior to the Town of Primrose entering into the Farmland Preservation program. The property may be used as a home site due to its “grandfathered” status. The burial mounds are noted in the Town Plan. The plan requests that landowners help preserve historic monuments.

**RESOURCE PROTECTION:** The plan identifies archeological site as resource protection areas. Town Plan language: “Protect important local resources such as: floodplains, wetlands, significant woodlands, steep slopes and historic and archaeological sites.”

**STAFF:** The property is afforded the opportunity to construct a residence on the property under its current zoning. Staff suggests that a deed notice be placed on the property which identifies the burial mounds and that development of the property must comply with Wis. Stat. § 157.70 (2r) – (5)).

**2/28 ZLR:** Postponed due to no Town Action.

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**Town:** The Town has approved this petition conditioned upon the balance of the land being deed restricted to prohibit further residential development on the property.

**Staff Update:** Staff confirmed that the housing density rights have been exhausted on the original farm. The easterly portion of land, 0507-042-8070-0, has been previously deed restricted under Zoning Petition #8856 to prohibit residential development on the site.

Staff is suggesting the adjacent A-2 parcel, 0507-042-8500-5, be deed restricted to prohibit residential development as conditioned by the Town of Primrose.

See attached density study.