
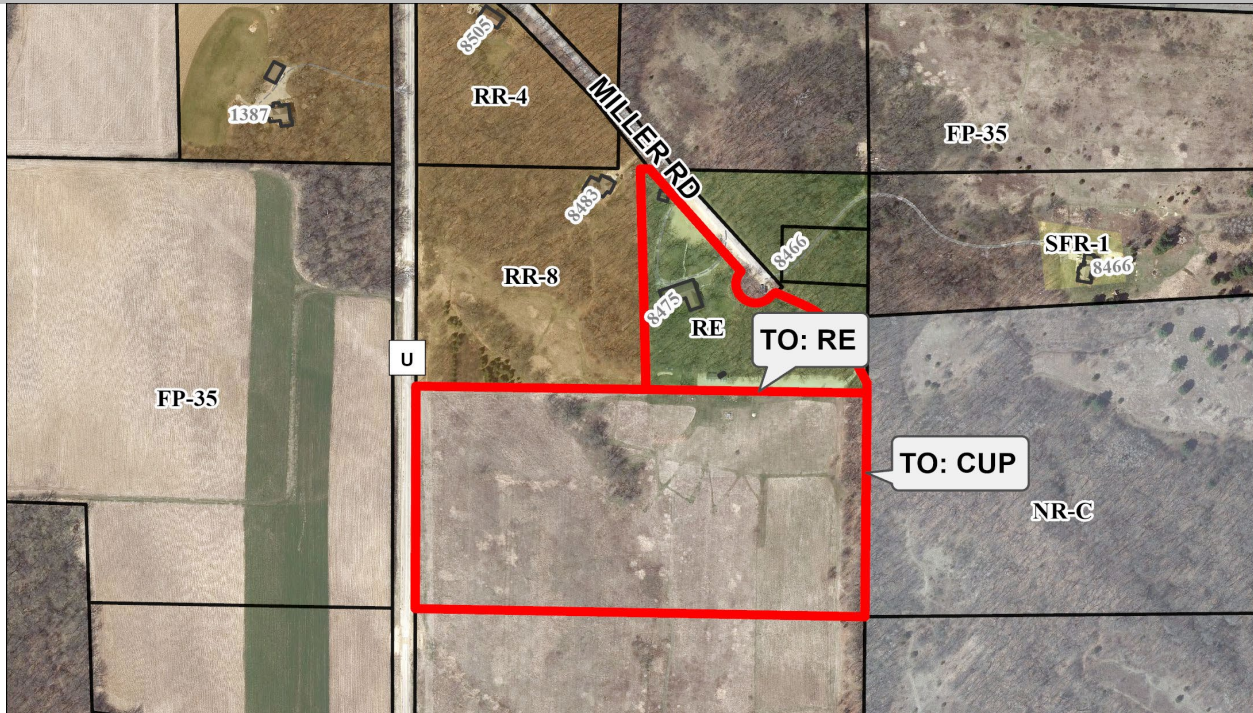


<b>Staff Report</b>    <b>Zoning and Land Regulation Committee</b>	<i>Public Hearing:</i> <b>October 24, 2023</b>		<b>Petition 11981</b>
	<i>Zoning Amendment Requested:</i> <b>FP-35 Farmland Preservation District TO RE Recreational District</b>		<i>Town/Section:</i> <b>PRIMROSE, Section 10</b>
	<i>Size:</i> <b>20 Acres</b>	<i>Survey Required:</i> <b>No</b>	<i>Applicant</i> <b>DEER CREEK SPORT &amp; CONSERVATION CLUB INC</b>
	<i>Reason for the request:</i> <b>Zoning to allow for recreational use (extension of existing shooting range)</b>		<i>Address:</i> <b>8475 MILLER RD</b>



**DESCRIPTION:** The Deer Creek Sportmans Club would like to expand their existing shooting range in order to locate the shooting stands and trap house on lands to the south. In 2018, the club was required to cease recreation activities in this area until zoning was obtained for recreational use. The Club has been working with the neighboring landowners and the Town since 2018 on changing the club’s activities.

In addition to the rezoning, the applicant has submitted a conditional use permit application ([CUP Petition 2607](#)) to allow updated hours of shooting and expanded indoor recreational activities of the clubhouse.

**OBSERVATIONS:**

The Sportmans Club has been in operation since 1990. The northerly property was rezoned to the RE Recreational Zoning District and a conditional use permit was obtained to allow skeet shooting on the weekends from 9am to Noon. The proposed rezoning area is currently used as the “shotfall” area for the shooting range.

The club has been used as a space for recreational activities for over 30 years. The building supports a meeting place for 4-H, hunter safety programs, along with the conservation club. The building has also hosted wedding events and post funeral gatherings, however, these activities have halted until additional approvals are obtained.

The Deer Creek Sportmans Club is located on a dead end road. There are 9 houses within a half-mile of the property. Many of the homes have been constructed after 1990. The property is bordered by DNR lands to the east; Deer Creek stewardship lands to the south; agricultural lands to the west; and five single-family residences to the north. Access to the property is located on Miller Road due to restricted access along County Highway U.

The area proposed to be rezoned is currently a restored prairie with a sloping topography of 8%. Approximately a 2-acre area of the site contains lead shot due to the past shooting activity. The soil has been recently evaluated by the UW Department of Soil Science and found that the lead is stable and is not migrating into the ground water or off-site. Eventually the lead will need to be remediated.

**COMPREHENSIVE PLAN:** The *Town of Primrose / Dane County Comprehensive Plan* includes provisions to “accommodate recreational facilities of interest to town residents.” (For questions about the town plan, contact Senior Planner Brian Standing at (608) 267-4115 or [standing@countyofdane.com](mailto:standing@countyofdane.com)).

**RESOURCE PROTECTION:** The GIS information indicates that there may be an intermittent stream located on the property. County staff has visited the site and found no evidence of a navigable waterway. The property is not subject to shoreland regulations. The GIS information also indicates the presence of a resource protection area. With the absence of a navigable stream and low slope topography (8 – 10% grade) the site does not meet the criteria for a resource protection area under the Town Comprehensive Plan.

**LAND AND WATER RESOURCE DEPARTMENT:** The Department expressed concerns that the land was part of the stewardship program which limits the use of the property. Staff reviewed the documents recorded in the Register of Deeds and found that the stewardship program property lies further south and does not impose restrictions on this property.

**TOWN ACTION:** The Town held a joint Plan Commission/Board public meeting on the proposed rezoning of the property. The petition was postponed due to public opposition and discussions regarding the amount of land requested to be rezoned. On October 16, 2023 the Town Board recommended denial of the rezone petition, noting its concerns:

*Our Land Use Plan prioritized ag land preservation. We don't want to go from FP to RE zoning. The Town doesn't encourage higher levels of traffic, and contamination. The current levels of lead is of concern and Benzene levels are 27 times the allowable limit. As such, that is a hazard to neighbors and people using the land in the future. An increased amount of traffic on Miller road is a safety concern and there is no plan in place to correct it. The increased activity will negatively affect the property values of the neighborhood properties.*

**STAFF RECOMMENDATION:** The Town Comprehensive Plan identifies the RE-Recreational Zoning as an acceptable zoning district within the agricultural preservation planning area. The amount of property rezoned should be appropriate to accommodate the needs of the town residents. The RE-Recreational Zoning District allows for the illumination of recreational activities at night through the conditional use process. Illuminating recreational activities at night in this area may be disruptive to the neighboring residences. However, the Town of Primrose has evaluated the proposal and recommended denial based on concerns related to consistency with the town plan and general public health, safety and welfare.

Based on the town's action, and subject to any comments at the public hearing, staff recommends denial of the rezone petition.

Any questions about this petition or staff report please contact Roger Lane at (608) 266-9078 or [lane.roger@countyofdane.com](mailto:lane.roger@countyofdane.com).