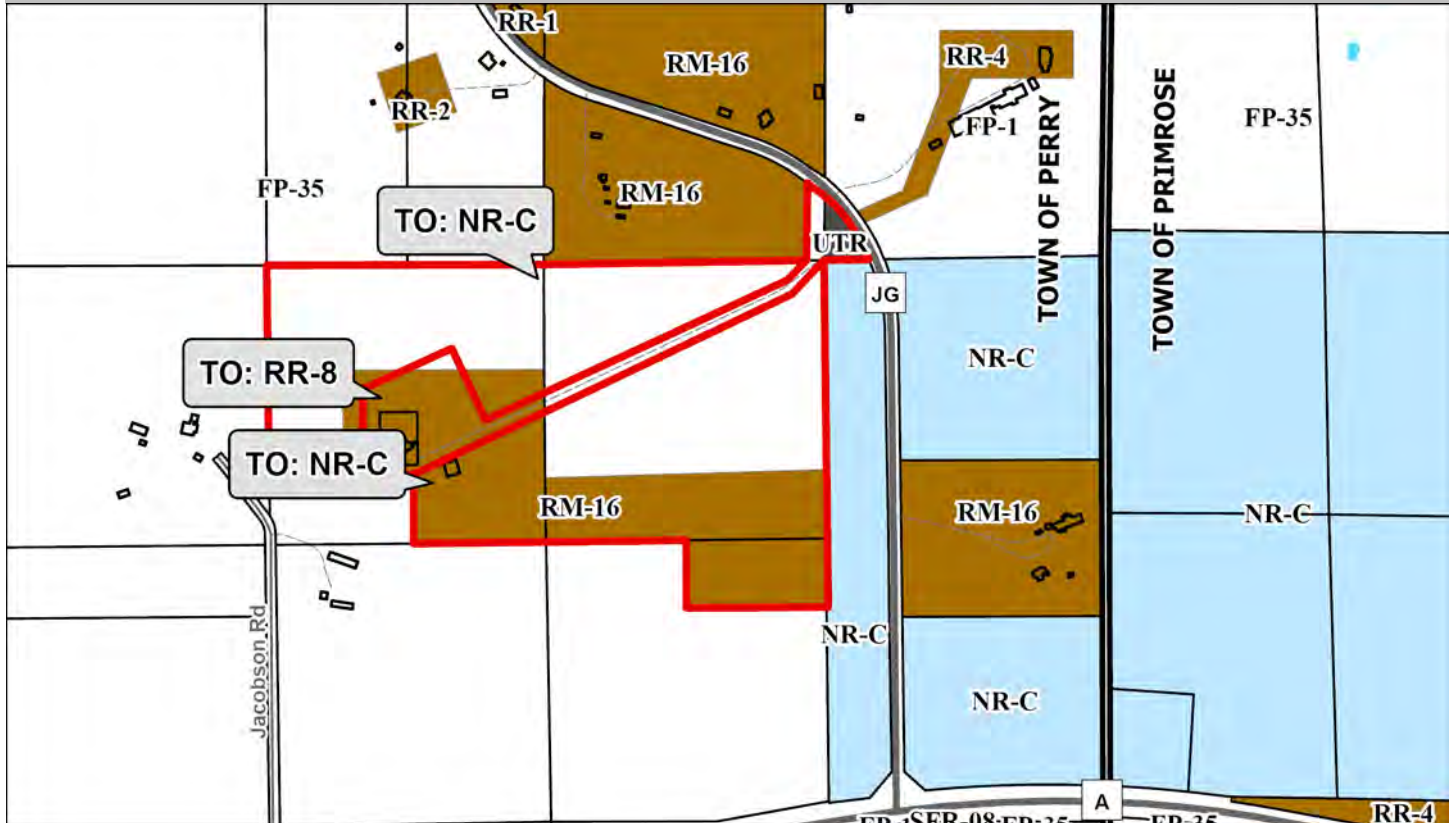


Staff Report  Zoning & Land Regulation Committee	<u>Public Hearing:</u> August 25, 2026		Petition 12326
	<u>Zoning Amendment Requested:</u> FP-35 Farmland Preservation District, RM-16 Rural Mixed-Use District, and UTR Utility, Transportation and ROW District TO the RR-8 Rural Residential District and NR-C Natural Resource Conservation District		<u>Town, Section:</u> PERRY, Section 13
	<u>Size:</u> 45.56,24.86,2.3,1.2,5.47 Acres	<u>Survey Required:</u> Yes	<u>Applicant:</u> BADGERLAND FOUNDATION INC
	<u>Reason for the request:</u> Separating existing residence from farmland		<u>Address:</u> 847 COUNTY HIGHWAY JG



DESCRIPTION: Applicant proposes to separate an existing homesite from the farmland. The home and portions of the parcels here were “spot zoned” for residential use years ago. This petition would assign RR-8 residential zoning to the home and place it on a certified survey map (CSM) lot that contains the home and driveway, so that the lot can be sold. The balance of the land would be rezoned to NR-C; those two conservancy lots are intended for sale to a future entity that would maintain the lands as open space for grassland habitat.

OBSERVATIONS: The proposed lot configuration meets most county ordinance requirements, including lot size, public road frontage, building setbacks, and lot coverage by buildings. The two NR-C lots would not have public road frontage, and would instead be accessed via an easement through the residential lot and the adjoining state-owned land along Highway JG. The applicants have requested a waiver to the road-frontage requirement for those lots, which will be separately reviewed by the ZLR Committee and would need to be approved for the CSM to proceed.

Staff notes there is an existing shed that was built as a residential accessory building. To meet ordinance requirements, the shed would need to be placed within the RR lot, unless it has a very clear use for maintaining the NR-C property in which case it could remain on the NR-C land. The applicant has indicated they will most likely take the shed down, though it may potentially be used for storage for property maintenance purposes on the NR-C land.

HIGHWAY ACCESS: County Highway access permit needed for changes to the access along Highway JG. Highway staff did not provide preliminary CSM comments yet, but note that comments will include showing “no access” areas along JG. To verify these items please contact Kevin Eslick 608-283-1486 / eslick.kevin@danecounty.gov

COMPREHENSIVE PLAN: This petition is in the town's farmland preservation planning area and is subject to the land use policies related to that designation. This proposal is consistent with the goals, objectives of policies related to residential development. No new development or land use change is proposed. No impact to density. However, applicant requests that the remaining density unit (see included density study from 2023) be voluntarily "extinguished" via deed restriction presenting further division and development to preserve the land. Thus, deed restrict land north and south of the rezone area that is currently parcel 050624185006, 050624280019, and 050624190009 from further development. For questions about the town plan, contact Senior Planner Bridgit Van Belleghem at (608) 225-2043 or VanBelleghem.Bridgit@danecounty.gov.

RESOURCE PROTECTION: While an intermittent creek enters the property, the resource will not be further impacted as the driveway and development are existing.

TOWN ACTION: Town Board recommends approval subject to Badger Land Foundation recording an encumbrance to extinguish the one remaining density unit for the property.

STAFF RECOMMENDATION: A Dane County density study from 2023 and the town's latest density analysis both document that the original farm has one split remaining available. The applicants indicated in their land division waiver request that they intend to "extinguish" the last remaining density right or split on the property. This is supported by the town action.

Staff recommends approval with the following conditions:

1. Applicant shall submit the CSM for approval and recording with the Register of Deeds.
2. Applicant shall obtain approval from Dane County Highway Department for changes to the driveway access, if deemed necessary by the Highway Department.
3. A deed restriction shall be recorded on the NR-C-zoned CSM lots (current tax parcels 050624185006, 050624280019 and 050624190009) stating the following:
 - a. Further residential/nonfarm development is prohibited. The housing density rights for the original Freitag farm have been exhausted per the Town Comprehensive Plan density policies. Rezone petition #12326 extinguished the last remaining density right to place the land in permanent conservancy status.

Please contact Rachel Holloway at (608) 266-9084 or holloway.rachel@danecounty.gov if you have questions about this petition or staff report.