
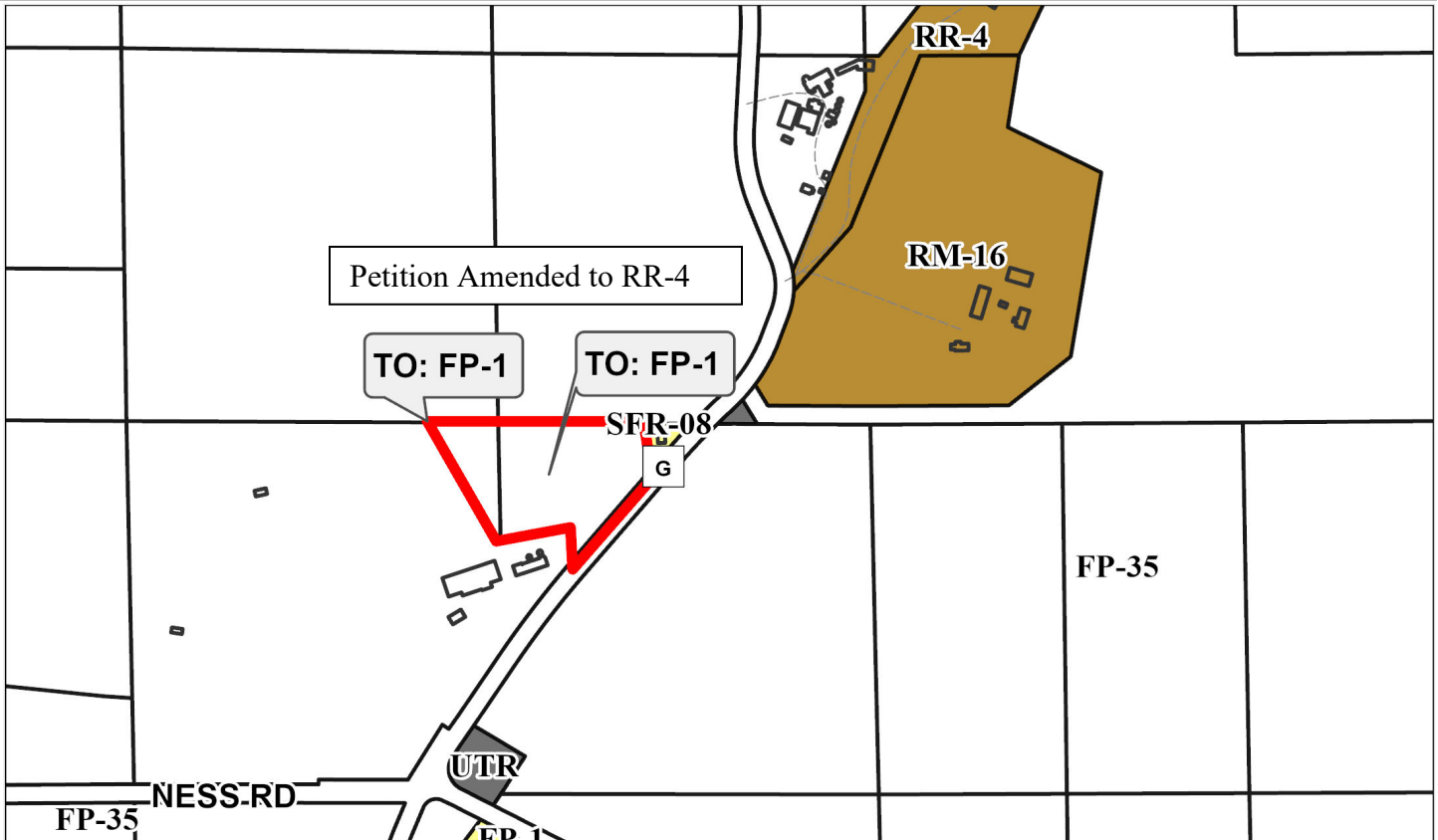


<b>Staff Report</b>    <b>Zoning and Land Regulation Committee</b>	<b>Public Hearing: December 19, 2023</b> <b>Report updated for the September 24, 2024 ZLR meeting</b>	<b>Petition 11996</b>
	<b>Zoning Amendment Requested:</b> <b>FP-35 Farmland Preservation District TO <del>FP-1 Farmland Preservation District</del> RR-4 Rural Residential Zoning District</b>	<b>Town/Section:</b> <b>PRIMROSE, Section 32</b>
	<b>Size: 5.64 Acres</b>	<b>Survey Required. Yes</b>
	<b>Reason for the request:</b> <b>ZONING TO <del>ENABLE SALE OF AGRICULTURAL PARCEL</del> CREATE RESIDENTIAL LOT</b>	



**DESCRIPTION:** Applicant proposes to rezone 5.6 acres of agricultural land from FP-35 to RR-4, in order to create a residential lot for sale. The petition was amended from the original request for FP-1 zoning to create an agricultural lot.

**OBSERVATIONS:** The proposed lot conforms to the requirements of the RR-4 zoning district, including public road frontage. 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.

**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 if Petition 11996 is not creating a home site. 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.

**Update:** The density study analysis was updated after the applicant amended the petition to request residential zoning. With no agreement in place, the town plan has the following provision:

*Proportional allocation: In the absence of clearly understood supporting documentation, any remaining splits will be allocated on a proportional basis among current owners of the April 28, 1981 farm unit in keeping with the Town's density policies. Under no circumstances shall the density standard be exceeded on the April 28, 1981 farm unit.*

Based on the Roehrig Brothers LLC current ownership (80.6 acres, 52% of the original 152.2-acre farm), if this petition is approved there will be one density unit remaining for the Roehrig Brothers.

(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:** There are no sensitive environmental features present on the subject property. No concerns.

**TOWN ACTION:** On December 4, 2023 the Town Board recommended approval of the FP-1 zoning with no conditions. On August 12, 2024 the Town Board reconsidered the proposal and approved the lot for RR Rural Residential zoning.

**STAFF RECOMMENDATION:** Based on the updated comprehensive plan comments and density analysis noted above, there is no need for an agreement between the landowners for the future allocation of density rights.

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.



**DECEMBER 19<sup>TH</sup> ZLR PUBLIC HEARING:** The ZLR Committee postponed action on the petition after the public hearing, to allow the applicant more time to obtain a driveway access permit, and possibly modify the existing access point, in order to create the proposed separate lot.

**STAFF UPDATE:** Since the start of the year, the applicant been working with Highway Staff on the access plan. They also amended the petition to request RR-4 zoning instead of FP-1, because an agricultural buyer had backed out of the land transaction. As noted above, the town approved the amended request.

In September of 2024, the Dane County Highway Department issued an access permit for a residential access point into County Highway G. (Approximate location shown below, see also highway permit UID #559 enclosed.)



Staff recommends approval with no conditions other than the applicant recording the CSM for the new lot.

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