
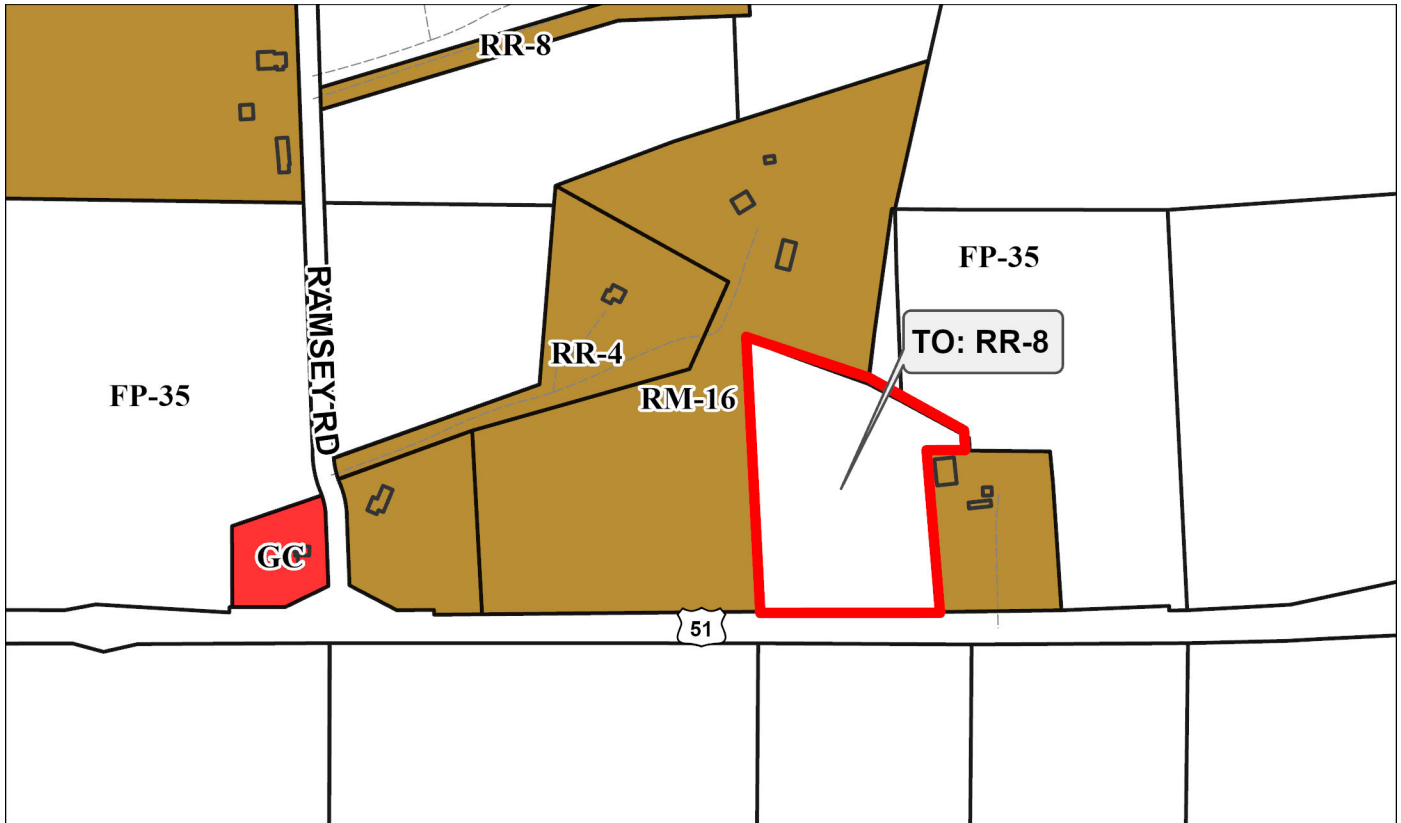


<b>Staff Report</b>  <b>Zoning &amp; Land Regulation Committee</b>	<u>Public Hearing:</u> <b>July 23, 2024</b>		<b>Petition 12070</b>
	<u>Zoning Amendment Requested:</u> <b>FP-35 Farmland Preservation District TO RR-8 Rural Residential District</b>		<u>Town, Section:</u> <b>ALBION, Section 6</b>
	<u>Size:</u> <b>9.9 Acres</b>	<u>Survey Required:</u> <b>Yes</b>	<u>Applicant:</u> <b>JE ACRES LLC</b>
	<u>Reason for the request:</u> <b>Creating one residential lot</b>		<u>Address:</u> <b>WEST OF 338 US HIGHWAY 51</b>



**DESCRIPTION:** Applicant would like to rezone 9.9 acres for use as a residential lot. The parcel is part of the 250-acre Possin Trust farm which was recently auctioned off to various buyers.

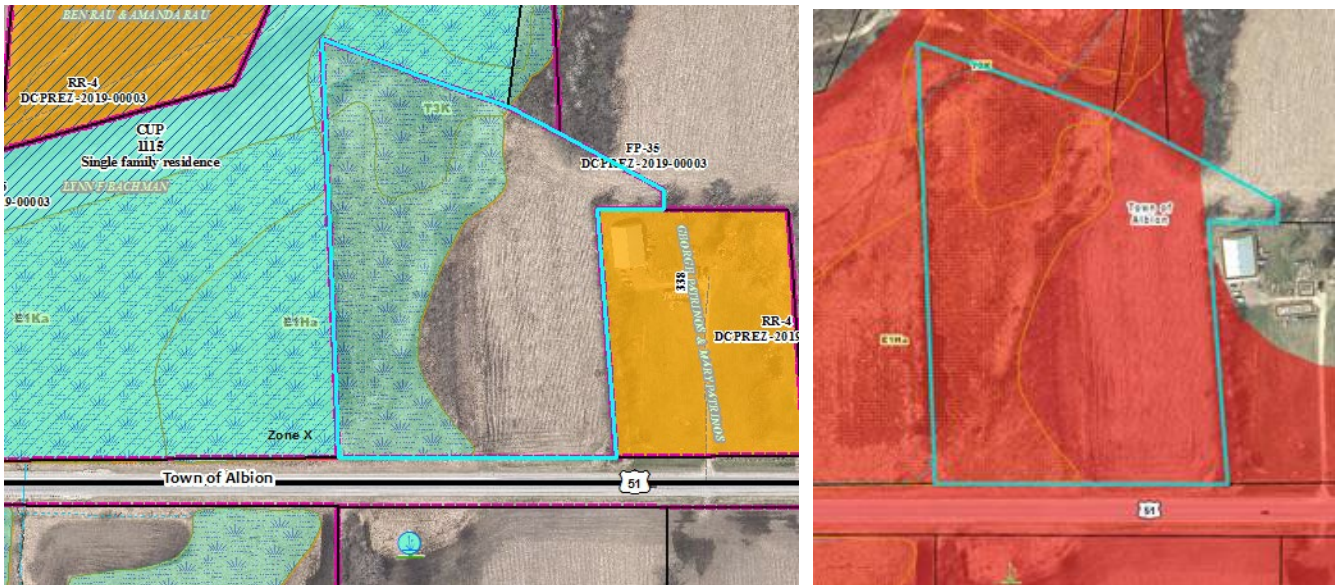
**OBSERVATIONS:** The property is currently an unplatted parcel described by a “metes and bounds” description. Because it is a parcel of land under 35 acres in size that is being separated from the larger farm, a certified survey map (CSM) is required for the lot to be created in a manner compliant with Dane County’s Chapter 75 land division ordinance.

The proposed lot conforms to the requirements of the RR-8 zoning district, including lot size and public road frontage.

**HIGHWAY ACCESS APPROVAL NEEDED:** US Highway 51 is within the state DOT’s jurisdiction so an access permit for residential (non-agricultural) access is required from the DOT. DOT has approved the residential access.

**COMPREHENSIVE PLAN:** The property is located in the town’s agricultural preservation area where the density of nonfarm development is limited to no more than 1 lot/dwelling unit per 35 acres of land owned as of June 29, 1979. As indicated on the attached density study report, the property was part of a larger farm unit entitled to up to 7 density units or “splits”. As per the deed recorded in early May 2024, JE Acres LLC acquired 1 density unit along with the ~10 acre property. Pending verification of a suitable area of upland (non-wetland) on which to build, as well as US Highway 51 access, the proposed rezoning and RR-8 parcel creation appears reasonably consistent with comprehensive plan policies. For questions about the comprehensive plan, please contact Senior Planner Majid Allan at (608) 267-2536 or [allan.majid@danecounty.gov](mailto:allan.majid@danecounty.gov).

**RESOURCE PROTECTION:** The property includes DNR-mapped wetlands in the west (blue areas shown below), as well as wetland indicators across most of the site (see hydric soils mapped in red below). Whenever land development is proposed within 75' of wetlands or wetland indicators, a wetland delineation must be done to locate the actual wetland boundary. Land uses, including any disturbance, is highly regulated within wetlands and all structures must be at least 75 feet away from the delineated wetland boundary.



**TOWN ACTION:** On June 4, 2024 the Town Board recommended approval of the rezone with no special conditions.

**STAFF RECOMMENDATION:** The town has recommended approval, the applicant has obtained access approval from the WDOT for residential purposes, and have had a wetland delineation done to verify that the site has a buildable area outside of the wetlands and wetland setbacks.

Pending any comments at the public hearing, staff recommends approval of the petition with no conditions other than the applicant recording the certified survey map for the new lot.

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