

From: **Standing, Brian** Standing@countyofdane.com

Subject: RE: Density study

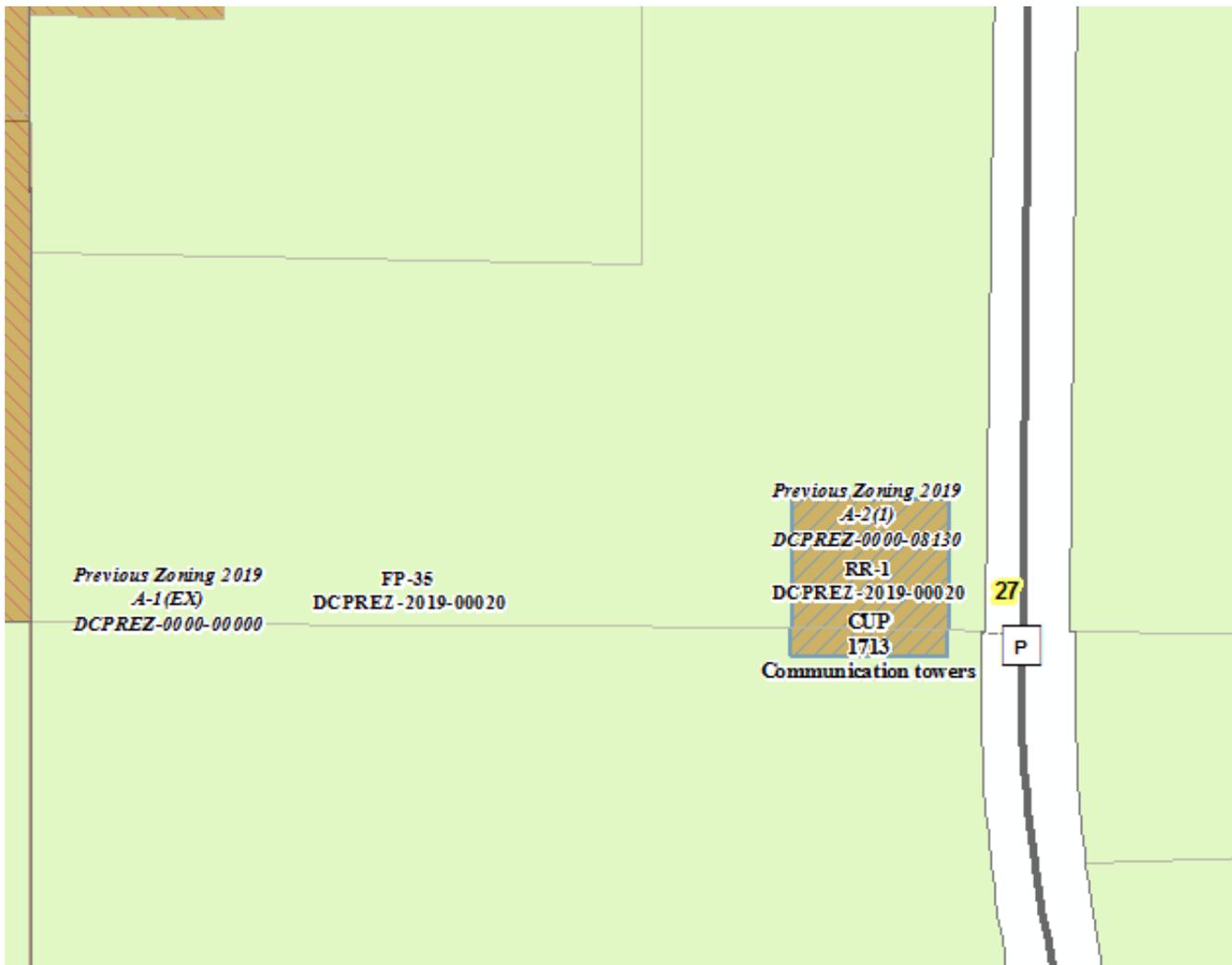
Date: February 18, 2021 at 14:40

To: Farrell, Mark Mark.Farrell@chsinc.com

Cc: Andros, Pamela Andros@countyofdane.com, Greg Hyer (tcpchair@tds.net) tcpchair@tds.net, Wayne Parrell wparrell@tds.net

BS

Ah, I see the confusion. We have Rezone Petition 8130, which rezoned a portion of this property to the old A-2(1) district in 2002, shown as a split taken. (See map below, and density study, attached). This parcel was put in the [RR-1 zoning district](#) as part of the comprehensive revision of the zoning ordinance. Upon closer inspection, I see that Petition 8130 was rezoned for a cellular tower, not a residence. Because the RR-2 zoning allows for a house, however, it is counted as a split taken in the density study.



If you wanted to “free up” a split on this portion of the property, you could [petition to rezone](#) this 1-acre parcel to either the [FP-35 zoning district](#) (to match the surrounding land), or to the [UTR zoning district](#). Either of these districts allow for cellular towers as a conditional use, so the existing Conditional Use Permit would remain valid. However since FP-35 and UTR do not allow for residential use, this would **not** count as a split under the town/county plan. This would, in turn, free up a split you could use on this portion of the property for a home. You could apply to rezone this parcel as part of the same application you would need to create the new residential lot.

I hope this clears up any confusion. Please let me know if you have further questions.

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<https://danecountyplanning.com/>

Brian Standing
Senior Planner
Dane County Planning & Development
Room 116, 210 Martin Luther King, Jr. Blvd.
Madison, WI 53703
(608) 267-4115

From: Farrell, Mark <Mark.Farrell@chsinc.com>
Sent: Thursday, February 18, 2021 12:31 PM
To: Standing, Brian <Standing@countyofdane.com>
Cc: Andros, Pamela <Andros@countyofdane.com>; Greg Hyer (tcpchair@tds.net) <tcpchair@tds.net>; Wayne Parrell <wparrell@tds.net>
Subject: RE: Density study

You said both splits have been used on the 76 acre's. My dads house is the only split that I know of. What would the other one be?
Thanks Mark

From: Standing, Brian <Standing@countyofdane.com>
Sent: Thursday, February 18, 2021 11:00 AM
To: Farrell, Mark <Mark.Farrell@chsinc.com>
Cc: Andros, Pamela <Andros@countyofdane.com>; Greg Hyer (tcpchair@tds.net) <tcpchair@tds.net>; Wayne Parrell <wparrell@tds.net>
Subject: [EXTERNAL] RE: Density study

Hi, Mark

Here's the relevant language from the [Town of Cross Plains / Dane County Comprehensive Plan](#) (emphasis added):

- a) Density limitation: The density of non-farm development is limited to one nonfarm use (also referred to herein as, "split" or "density unit") per 35 ***contiguous*** acres held in single ownership as of December 26, 1981...
- i) Transfers of density units: Transfers of density units between original December

26, 1981 farm units may be considered, subject to the Transfer of Development Rights program described in Section VIII.

j) Substandard A-1EX parcels under 35 acres as of December 26, 1981: (The following policies apply to parcels zoned A-1EX less than 35 acres in size)...

(2) Vacant, legal, substandard (sometimes referred to as “non-conforming”) A1EX zoned parcels between 4 and 35 acres in size in existence since December 26, 1981 are permitted to rezone to an appropriate district and to divide the property by recording a certified survey map to allow no more than 2 single-family homes, provided that the proposed development can satisfy the Town’s siting criteria. No parcel so divided shall be re-divided in the future.

Because your father’s land was in two ***non-contiguous*** parcels in 1981, it is counted as two separate landholdings for the purposes of calculating permitted residential density. This is why we gave you two separate density study reports, one for each separate portion of the farm:

- 76.62 acres, which originally qualified for two development sites under Policy a) above, both of which have been used.
- 16.99 acres, which qualifies as a “vacant, legal, substandard parcel” as of December 26, 1981 under Policy j) above.

Given that these parcels are considered two separate base farm tracts under the town’s density policy, Policy i) above makes it clear that development rights can only be transferred through the town’s TDR policy.

I hope this is clear. Let me know if I can explain further.

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From: Farrell, Mark <Mark.Farrell@chsinc.com>
Sent: Wednesday, February 17, 2021 3:53 PM

Sent: Tuesday, February 16, 2021 11:42 AM

To: Standing, Brian <Standing@countyofdane.com>
Cc: Greg Hyer (tcpchair@tds.net) <tcpchair@tds.net>; Wayne Parrell <wparrell@tds.net>; Andros, Pamela <Andros@countyofdane.com>
Subject: RE: Density study

Hi Brian

Thanks for getting back to me.

I guess my question is why are there two splits on the 18 acres and none on the 76 acres. This was all the same owner in 1981 when the land use plan was updated. There should have been three splits total in 1981 and my Dad used one in 1983 for his house. I feel we should have two splits on the total acreage and not two on the 18 acres and none on the 76. Going by this we could build two houses in the nice 18 acre field but not any in the woods by my parents house. Since it is all the same farm and same owner I don't feel it is a TDR.

Feel free to call me to talk about it. I will be in a virtual meeting from 9:00 a.m. to 4:00 p.m. on Thursday. I would be available other than that.

Thanks again

Mark Farrell
Shamrock Farms
608-575-4246

From: Standing, Brian <Standing@countyofdane.com>
Sent: Tuesday, February 16, 2021 11:42 AM
To: Farrell, Mark <Mark.Farrell@chsinc.com>
Cc: Greg Hyer (tcpchair@tds.net) <tcpchair@tds.net>; Wayne Parrell <wparrell@tds.net>; Andros, Pamela <Andros@countyofdane.com>
Subject: [EXTERNAL] RE: Density study

Hi, Mark

I apologize for the delay in getting back to you. Here is the relevant language regarding Transfer of Development Rights (TDR) under the [Town of Cross Plains / Dane County Comprehensive Plan](#).

“B. Objectives:

The Town of Cross Plains uses its TDR program to:

- a) preserve farmland and rural character;***
- b) redirect nonfarm development away from productive agricultural lands;***
- c) encourage permanent protection of large blocks of contiguous farmland;”***

“2. Sending Areas

A. General Policies for all Sending Areas.

All lands within the Agricultural Preservation Area, except for substandard parcels, are considered potential “sending areas.”

Unfortunately, transferring a split from the 16.99-acre parcel to the 76.62-acre parcel would be inconsistent with these policies for the following reasons:

would be inconsistent with these policies for the following reasons.

1. It would not further the objective of “redirecting nonfarm development away from productive agricultural lands” or “encourage permanent protection of large blocks of contiguous farmland.” AND
2. The 16.99-acre parcel would not qualify as a “sending area” under the town/county plan because it was a “substandard parcel” at the time the town first adopted its land use/comprehensive plan in 1981. Such parcels are specifically excluded as “sending areas” in the plan language above.

For these reasons, a transfer of development rights as you have proposed, would not be supported. I have confirmed this interpretation with the Town Board Chair and the Chair of the Town Plan Commission, both of whom are cc'd on this e-mail.

I know this isn't the answer you were hoping for, but I hope this information is helpful nonetheless.

Please feel free to contact me again if I can be of further assistance.

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From: Farrell, Mark <Mark.Farrell@chsinc.com>
Sent: Thursday, February 11, 2021 3:52 PM
To: Standing, Brian <Standing@countyofdane.com>
Subject: RE: Density study

Hi Brian
Here is the report you sent me in 2019. We are looking at 1 and 6. 1 is in section 28 and 6 is in section 34 in the Town of Cross Plains.
I hope this helps.
Thank You
Mark Farrell 608-575-4246

From: Standing, Brian <Standing@countyofdane.com>
Sent: Thursday, February 11, 2021 3:42 PM

Sent: Thursday, February 11, 2021 8:42 AM
To: Farrell, Mark <Mark.Farrell@chsinc.com>
Subject: [EXTERNAL] RE: Density study

Hi, Mark

I'll do my best to answer your questions, but I need a little more information, first. Do you have parcel numbers or addresses for any of the affected property?

If not, can you at least remind me which town this is in?

Thanks.

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From: Farrell, Mark <Mark.Farrell@chsinc.com>
Sent: Thursday, February 11, 2021 8:56 AM
To: Standing, Brian <Standing@countyofdane.com>
Subject: Density study

CAUTION: External Email - Beware of unknown links and attachments. Contact Helpdesk at 266-4440 if unsure

Hi Brian

This is Mark Farrell of Shamrock Farms.

In October of 2019 you completed a density study for Shamrock farms. There were six farms in question. The first farm formally owned by our dad Robert H Farrell was 76.62 acres that you show no potential for further residential development another 16.99 acres formally owned by our dad Robert Farrell shows two residential home sites available. I question why the splits would be like that? My wife and I are thinking about building a new house and we would like to build on the 76.62 acres and my question is can we move one of

those splits from the 17 acres to there?

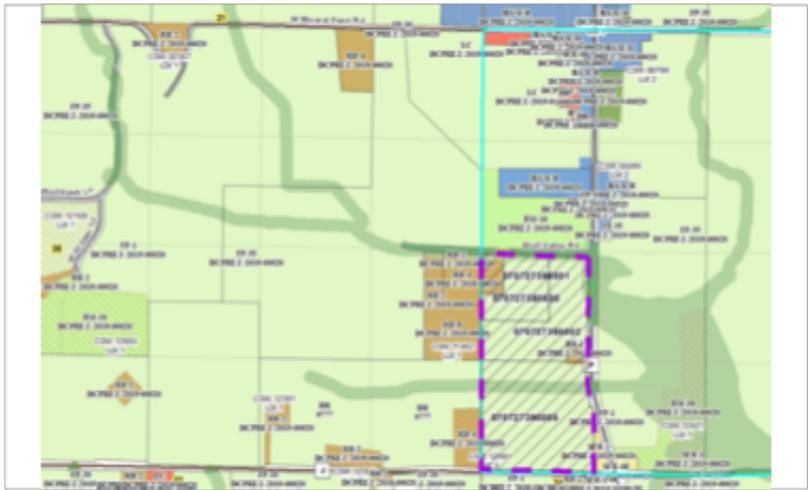
Thank You
 Mark Farrell
 608-575-4246

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DRAFT: FOR DISCUSSION PURPOSES ONLY

IMPORTANT NOTE: ACREAGE VALUES AND OWNERSHIP HEREIN ARE DERIVED FROM HISTORICAL AND CURRENT RECORDS LOCATED AT THE DANE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT (EG. GIS, PLAT BOOKS, ZONING PERMIT DATA, CSM'S, ETC). DENSITY POLICIES

Applicant		Shamrock Farms			
Town	Cross Plains	A-1EX Adoption	12/26/1981	Orig Farm Owner	Farrell, Robert H.
Section:	27	Density Number	35	Original Farm Acres	76.62
Density Study Date	10/17/2019	Original Splits	2.19	Available Density Unit(s)	0



Reasons/Note
 Homesites created to date: 2 per CSM 6140 and Rezone 8130.

Note: Parcels included in the density study reflect farm ownership and acreage as of the date of town plan adoption, or other date specified. Density study is based on the original farm acreage, NOT acreage currently owned.

Parcel #	Acres	Owner Name	CSM
070727386001	2.83	ROBERT H FARRELL & ROSEMARY FARRELL	06140
070727390005	39.42	SHAMROCK FARMS	
070727385600	11.9	SHAMROCK FARMS	
070727385002	22.47	SHAMROCK FARMS	

