

**Staff Report**



**Zoning & Land Regulation Committee**

Public Hearing: **February 25, 2025**

Zoning Amendment Requested:

**FP-35 Farmland Preservation District TO RR-1 Rural Residential District, RR-2 Rural Residential District TO FP-35 Farmland Preservation District**

Size: **1.5,1.6 Acres**

Survey Required: **Yes**

Reason for the request:

**SEPARATE EXISTING RESIDENCE FROM THE FARM LAND AND REDUCE THE SIZE OF AN EXISTING (VACANT) RESIDENTIAL LOT**

**Petition 12142**

Town, Section:

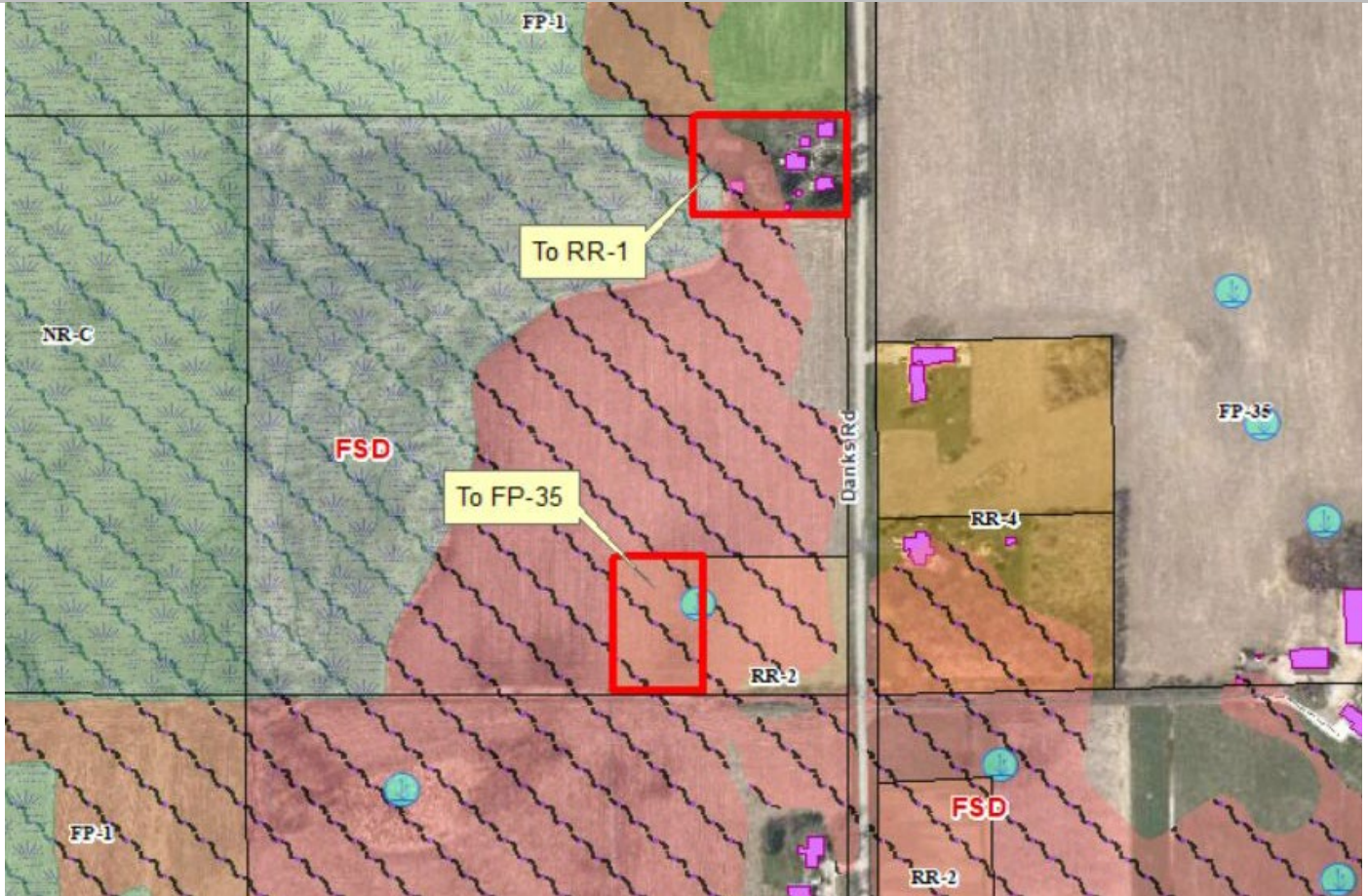
**RUTLAND, Section 24**

Applicant:

**MOYER FAMILY ENTERPRISES LLC**

Address:

**583 DANKS RD**



**DESCRIPTION:** Jeff Moyer (Moyer Family Enterprises) would like to separate an existing farmstead from the surrounding farm land, on a 1.5-acre lot with RR-1 zoning. At the same time, he would reduce the size of an existing vacant residential lot to the south. The vacant RR-2 zoned lot would be reduced to 2.0 acres in size by removing lands in the west end that are within the mapped floodplain.

**OBSERVATIONS:** The proposed lots meet county ordinance standards including lot size, public road frontage, building coverage and building setbacks. The resulting farm land would comprise 35.66 acres, but is required to be part of the certified survey map (CSM) because the land being added to the FP-35 farm tract is coming from an existing CSM lot.

**COMPREHENSIVE PLAN:** The property is located in the agricultural preservation area where development is limited to one lot or nonfarm use per 35 acres. As indicated on the attached density study report, the property is not eligible for any further density units ("splits"). A deed restriction prohibiting further development was recorded as a condition of approval of previous petition #7669. Proposed separation of the existing residence and reconfiguration of existing, vacant lot appear 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 is located in an area with low-lying land and a high water table. Much of the property is within a mapped flood hazard area (FEMA floodplain Zone A, with no established base flood elevation) and mapped Flood Storage District. The west end of the proposed RR-1 lot in the north contains DNR-mapped wetlands and wetland indicators. However, the lot is already developed with structures that are away from the wetlands and outside the floodplain.

The southern RR-2 lot is an existing lot, and the request is to shrink it not expand it further west. The applicant also owns the surrounding farm land. Future development will be subject to floodplain zoning regulations. As long as the larger agricultural land remains in the same ownership as the other lots, there are many options for compliance with floodplain development standards.

**TOWN ACTION:** On February 5<sup>th</sup> the Town Board recommended approval subject to the applicant recording a deed restriction to prohibit further non-farm development.

**STAFF RECOMMENDATION:** Pending any comments at the public hearing, staff recommends approval subject to the applicant recording the CSM and the following condition:

1. A deed restriction shall be recorded on proposed Lot 2 (current tax parcel 0510-244-9501-0) stating the following:
  - a. Further residential/nonfarm development is prohibited on the remaining FP-35 zoned land. The housing density rights for the original Oscar Tofte farm have been exhausted per the Town Comprehensive Plan density policies.

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.