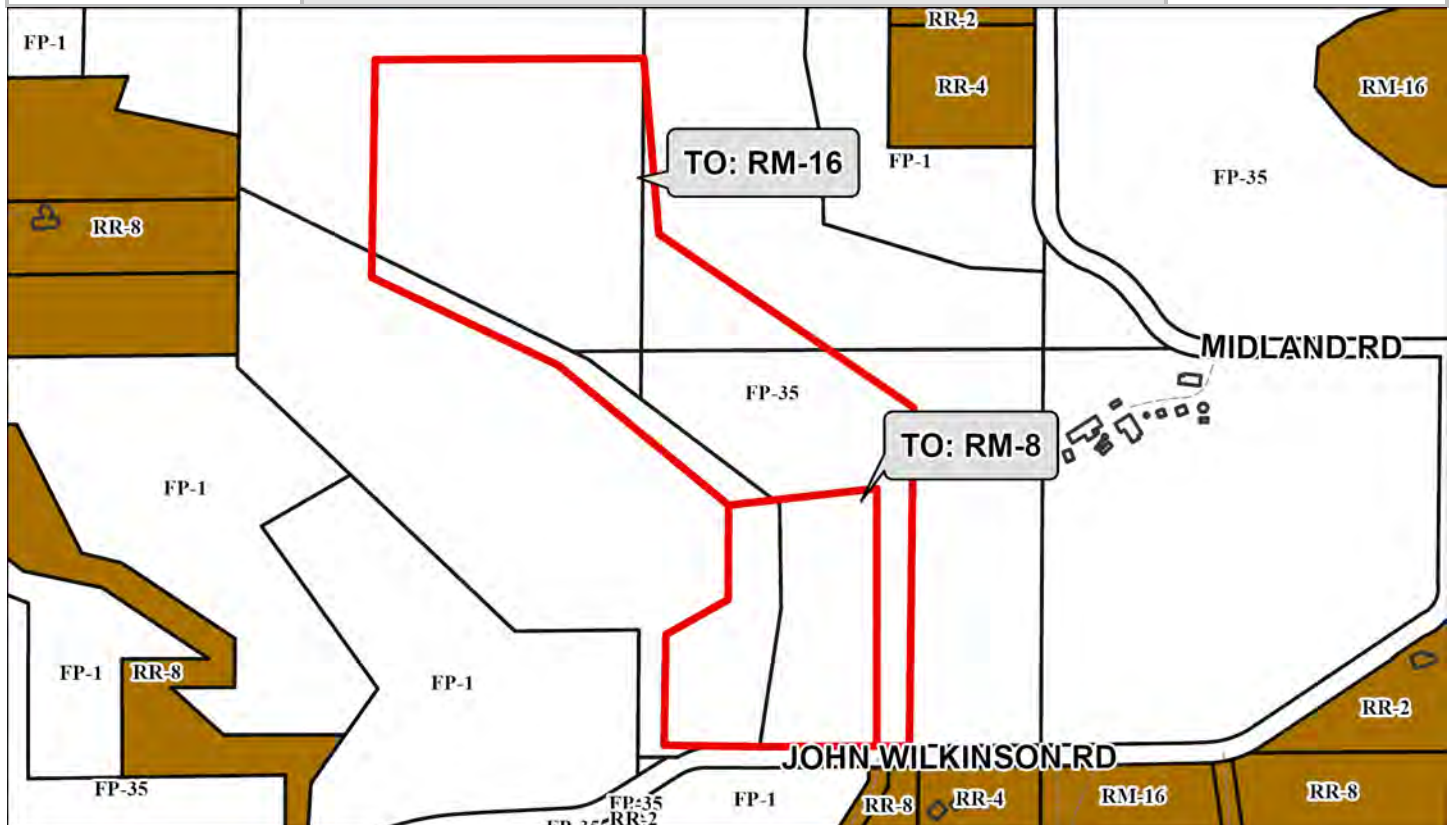


Staff Report  Zoning & Land Regulation Committee	Public Hearing: November 25, 2025 Report updated for the December 16th ZLR meeting		Petition 12211
	Zoning Amendment Requested: FP-35 Farmland Preservation District TO RM-16 Rural Mixed-Use District, and RM-8 Rural Mixed-Use District		Town, Section: BLACK EARTH, Section 28
	Size: 35,12 Acres	Survey Required: Yes	Applicant: LEVI AND LYDIA YODER
	Reason for the request: Creating two lots for residential and agricultural use, transferring one development right		Address: NORTH OF 5250 JOHN WILKINSON RD



DESCRIPTION: Applicant Levi Yoder requests a rezoning to create two lots for residential and agricultural use. Yoder purchased land from Joas Bontrager along with a density unit (development right) from the Fogel farm, and intends to build a home and start a farm here. Another smaller lot would be created for another purchaser by moving an extra density unit from a property owned by Terry Frey, which is allowed under the Town of Black Earth's density policies.

A certified survey map (CSM) would create one lot 33 acres in size with RM-16 zoning, and one lot 11.5 acres in size with RM-8 zoning, as well as two agricultural lots that will be over 35 acres in size and remain zoned FP-35.

OBSERVATIONS: The proposed lots would meet county ordinance requirements for lot size, public road frontage, and land use. Rural Mixed Use zoning districts are intended for a mix of agriculture, residential, and limited business and accessory land uses that are consistent with a rural setting. While it is not proposed at this time, if the landowners have a need in the future for a side business for supplemental income on the properties, the RM-8 and RM-16 districts allow for Limited Family Businesses or Limited Farm Business as conditional uses, if a Conditional Use Permit is obtained through the town/county process.

Access to the lots is governed by the Town of Black Earth, since John Wilkinson Road is a town road. The applicants intend to have the RM-zoned lots share a driveway access onto the road. John Wilkinson Road is a dead-end road that serves approximately 15 properties.

The property is within the Village of Mazomanie's extraterritorial jurisdiction (ETJ) for review of the land division/CSM.

COMPREHENSIVE PLAN: The proposal is in the Agricultural Preservation Area, the Town has a Density Policy of 1 home per 35 Acres. Both the on-site split (from the original Fogel farm) and the transfer split (from the Frey property) are consistent with the Town's Density Policy and Transfer of Development Rights (TDR) Policy. See the 2 attached Density Studies. The TDR-S split is coming from Terry Frey (080629499305). For questions about the town plan, contact Senior Planner Curt Kodl at (608) 266-4183 or Kodl.Curt@danecounty.gov.

RESOURCE PROTECTION: No sensitive environmental features are present on or within 300 feet of the subject property. Any long driveway over 125 feet long, and any land disturbance of over 4,000 square feet, will require an Erosion Control permit from Dane County Land and Water Resources Department. In addition, development that results in 20,000 square feet or more of impervious surface requires a stormwater management permit, a process that requires engineering plans and can take several months to complete. For questions please contact Elliott Mergen at Water Resource Engineering at (608) 224-3730 / Mergen.Elliott@danecounty.gov.

TOWN ACTION: On November 10th, the Town Board recommended approval with no conditions.

NOVEMBER 26th ZLR PUBLIC HEARING: At the public hearing, ZLR Committee postponed action due to public opposition. Public comments and a resident petition were submitted opposed to the proposed rezoning. The concerns raised involve the proposed land use, driveway placement, road safety pertaining to horse and buggy traffic, impacts on property values and neighborhood character, environmental damage and erosion, and inconsistency with the town land use plan. Some comments indicate the desire to preserve the existing farm land, while also expressing concerns with the addition of barns, livestock, and agricultural buildings. Residents spoke at the hearing raising concerns about adding additional farms to the current property, the zoning not matching some other lots in the area, and concerns about animal waste.

STAFF RECOMMENDATION (updated): The concerns have been shared with the Committee for consideration. Staff has considered the concerns and does not have any changes to suggest to address them through zoning. Zoning Staff attended a Town meeting on November 3rd to discuss the concerns and zoning requirements with town residents and officials. As noted above, the proposed land uses are consistent with other agricultural and residential uses in this area, and the Town Board has recommended approval. John Wilkinson Road is a dead-end road with a limited number of homes and traffic on it (unlike Midland Road which connects the Village of Mazomanie to County Highway F and the broader area). There are other properties in this part of the Town of Black Earth that have RM zoning, and there are other working farms and farmsteads. Regarding animal waste, the farmers involved are already working with Dane County Land and Water Resources staff.

Staff advises that deed notice documents be recorded to document the transfer, as is standard practice. Staff recommends approval subject to the applicants recording the CSM for the lots, and the following conditions:

1. A deed notice shall be recorded on CSM Lot 3 that indicates it was created by a transfer of development rights.
2. A deed notice shall be recorded on the Frey tax parcel 080629499305 stating the following:
 - a. Further residential/nonfarm development is prohibited. The housing density rights for the original Marvin Johnson farm have been exhausted per the Town Comprehensive Plan density policies.

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