
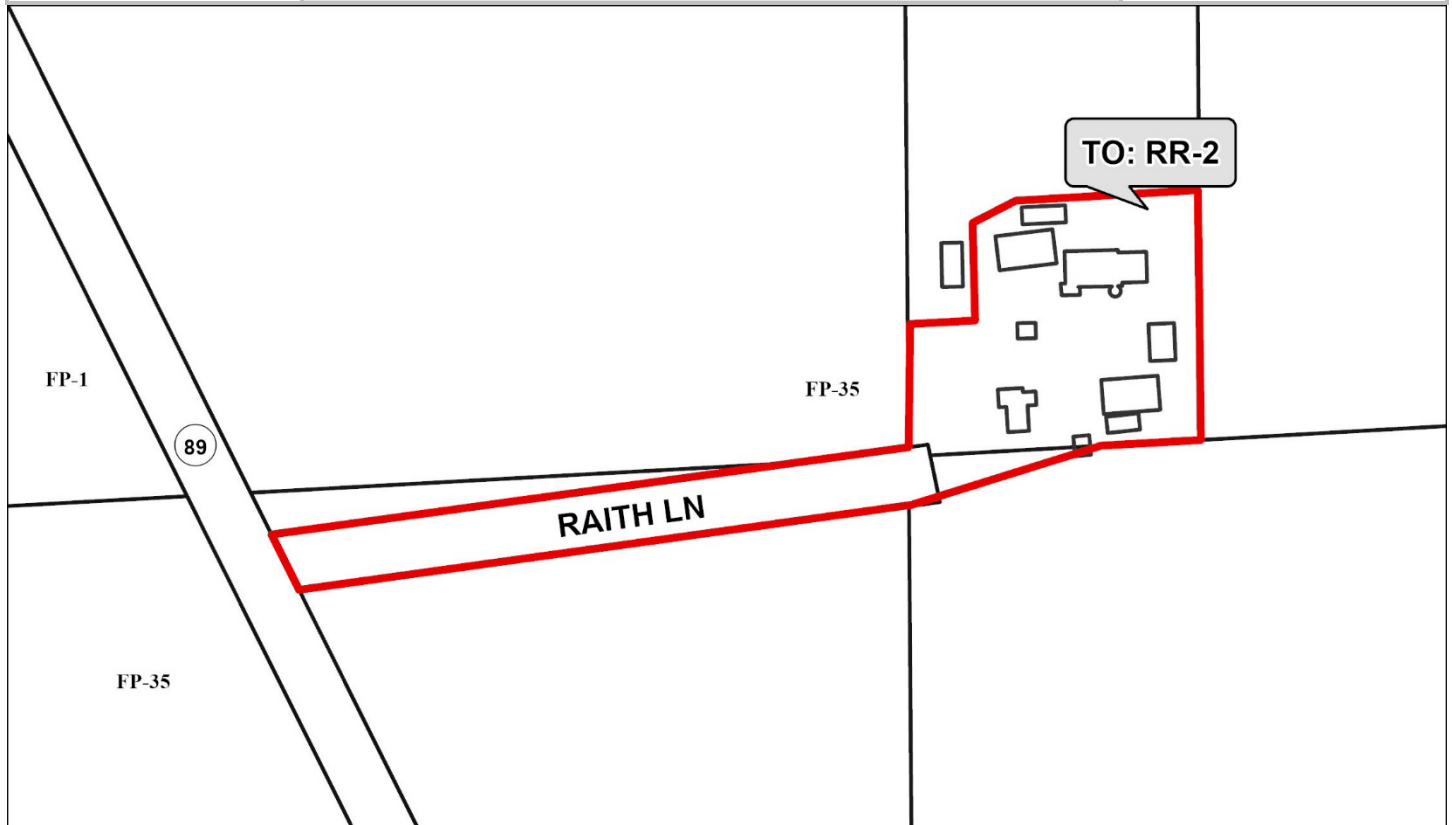


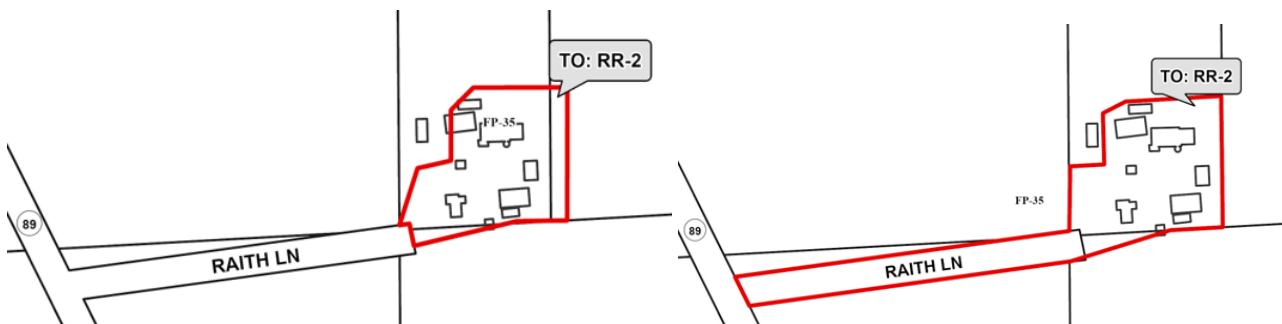
<b>Staff Report</b>  <b>Zoning &amp; Land Regulation Committee</b>	<u>Public Hearing:</u> <b>August 26, 2025</b>		<b>Petition 12190</b>
	<u>Zoning Amendment Requested:</u> <b>FP-35 Farmland Preservation District TO RR-2 Rural Residential District</b>		<u>Town, Section:</u> <b>YORK, Section 13</b>
	<u>Size:</u> <b>2.1 Acres</b>	<u>Survey Required:</u> <b>Yes</b>	<u>Applicant:</u> <b>MUDDY BEAVER ENTERPRISES LLC</b>
	<u>Reason for the request:</u> <b>Separating existing residence from farmland</b>		<u>Address:</u> <b>7188 STATE HIGHWAY 89</b>



**DESCRIPTION:** Applicants Jason and Paula Gross would like to separate an existing residence from the farm land, on a 3.1-acre lot with RR-2 zoning.

**OBSERVATIONS:** The proposed lot meets county ordinance requirements for lot size, public road frontage (providing the minimum 66 feet of lot frontage), and lot coverage by buildings (maximum 10% of the lot area under RR-2 zoning).

The petition was revised from the original one, which had proposed a 2.1-acre lot at the end of Raith Lane. Staff had questioned where future agricultural field access will be, and whether Raith Lane would remain a public town road. Since the Town of York intends to vacate the roadway and return it to private property status, the proposed lot was adjusted to include the current town road right-of-way so as to create a “flag” shaped lot:



The small accessory building located in the northwest corner of the property, and one along the south lot line, have been removed, so there are no buildings outside the boundary of the proposed lot and no concerns with building setbacks from lot lines. The applicant's surveyor located the septic system on the proposed CSM (revised 8/6/25).

**COMPREHENSIVE PLAN:** The property is located in the town's agricultural preservation district. The Town's Comprehensive Plan states that "separation of residences built prior to August 28, 1980 shall not count as a split". Based on historical orthophoto data, the house existed before 1980. York requires new lots to be at least 1 acre in size and this proposal follows that regulation. There are no more development rights left on the remaining farmland (the original Woldt farm, which is primarily where the proposed lot is located), so a deed restriction should be recorded which states that no more residential development is allowed on parcels 0912-134-8600-4, 0912-133-8000-1, 0912-131-9100-0, and 0912-133-9500-4. The request appears to be consistent with the Town Density Policy and language in the Comprehensive Plan. For questions about the town plan, contact Senior Planner Ben Kollenbroich at (608) 266-9108 or [Kollenbroich.Benjamin@danecounty.gov](mailto:Kollenbroich.Benjamin@danecounty.gov).

**RESOURCE PROTECTION:** There are no sensitive environmental features on or within 300 feet of the proposed lot.

**TOWN ACTION:** The Town Board has recommended approval, noting that the current town road (Raith Road) will be vacated by the Town Board.

**STAFF RECOMMENDATION:** Staff observed that with the vacation of Raith Lane as a town road, alternate plans may be needed to ensure continued access to the applicant's surrounding farm field. With the revisions, this would be achieved through a shared access easement over the existing driveway (current Raith Lane) which is acceptable.

Pending any comments at the public hearing, Staff recommends approval of the rezone with the following conditions:

1. This rezone petition shall become effective only upon the Town Board approval to vacate the Raith Lane road right-of-way.
2. The septic system shall be located entirely within the new lot, and its location shall be shown on the Certified Survey Map.
3. An agricultural access easement shall be provided through the residential lot, or a separate agricultural access permit shall be obtained for field access.
4. A deed restriction shall be recorded on tax parcels 0912-134-8600-4, 0912-133-8000-1, 0912-131-9100-0, and 0912-133-9500-4 stating the following:
  - a. Further residential/nonfarm development is prohibited on the remaining FP-35 zoned land. The housing density rights for the original Betty & Fred Woldt 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.