

Staff Report



Zoning & Land Regulation Committee

Public Hearing: **May 26, 2026**

Zoning Amendment Requested:

RM-16 Rural Mixed-Use District TO RR-4 Rural Residential District, and FP-1 Farmland Preservation District

Size: **4.7,20 Acres**

Survey Required: **Yes**

Reason for the request:

creating one residential lot by transferring a development right from parcels 071228395007 and 071228490001.

Petition 12270

Town, Section:

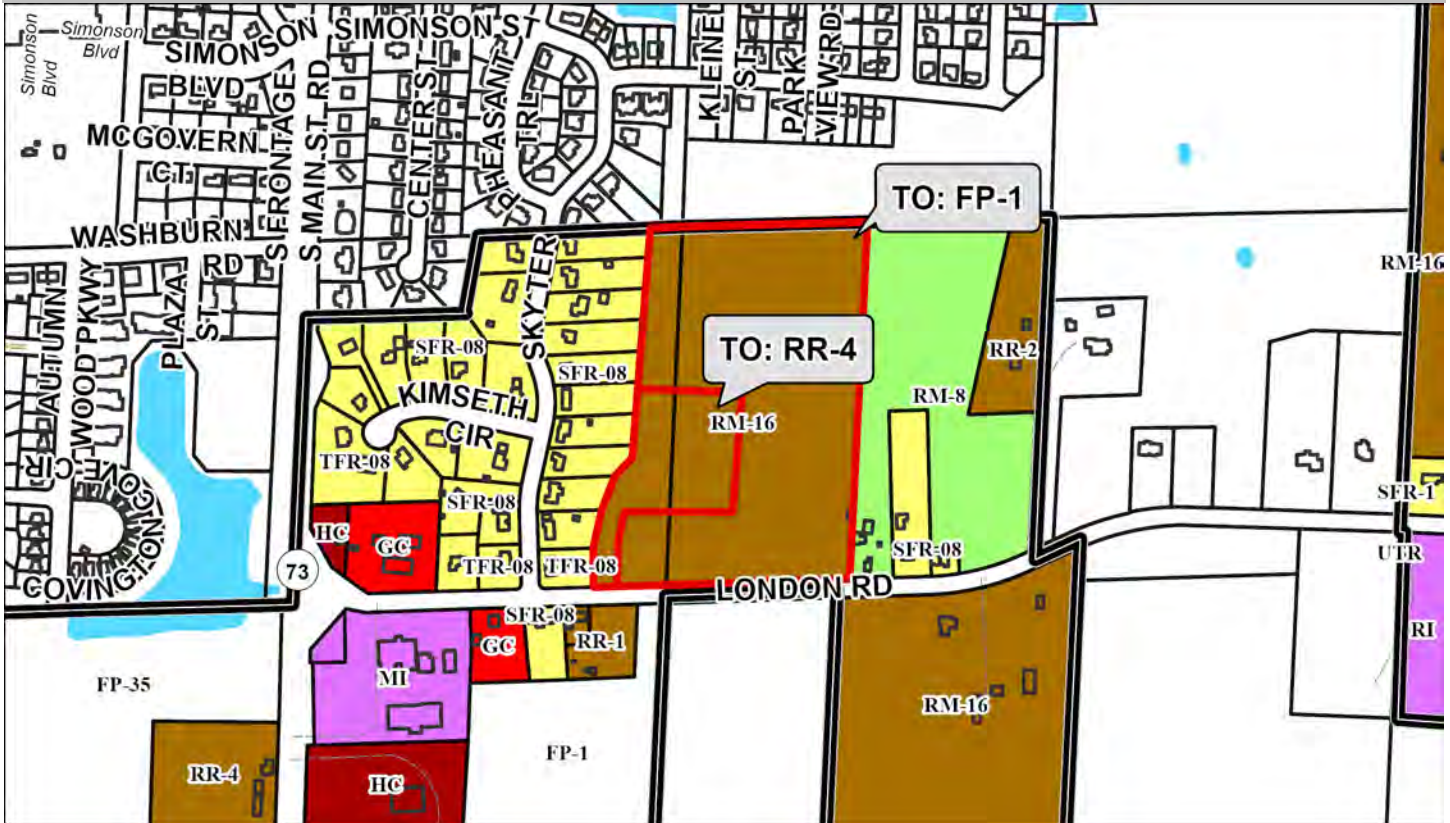
DEERFIELD, Section 27

Applicant:

ROBERT and KIM RIEGE

Address:

WEST OF 752 LONDON ROAD



DESCRIPTION: Bob and Kim Riege own vacant land on the north side of London Road in Section 27 and Section 28 in the Town of Deerfield Dane County WI. They would like to create a residential development site, using a transfer of development right, for a family member to build a home on a portion of the land. The remaining land is proposed for FP-1 Farmland Preservation zoning to remain in agricultural use (see planning recommendation below to keep the remaining land in RM-16 with a restriction prohibiting development).

OBSERVATIONS: The land is adjacent to the Village of Deerfield on the north and south across London Road. The western property line abuts residential lots in the town in the Deer Ridge Plat, and unplatted residential lands to the east. A previously ditched intermittent stream bisects the property and contains associated wetlands and floodplain.

While the proposed homesite would be located outside of the wetland setback and floodplain, satisfying the locational requirements of the ordinance, access is proposed partially encroaching into the required 75-foot wetland setback and within the floodplain. A variance from the wetland setback is required to be granted by the Board of Adjustment (BOA) before the proposed driveway location can be permitted. The variance application has been submitted by the applicant and the BOA will hear the appeal at their May public hearing.

COMPREHENSIVE PLAN: This land is in the town’s Agricultural Transition planning area and is subject to the land use policies related to that designation. According to the Town’s Comprehensive Plan, density units (development rights, or “splits”) may be transferred at a ratio of 1:1. The proposed sending property (also a Riege-owned farm) is zoned FP-35 and has a total of two density units available. If the TDR is approved, one development right would remain on the farm.

By sending a density unit from either tax parcel 0712-283-9500-7 or 0712-284-9000-1, this would ensure that one of the parcels would not have any residential development.

A few items need to be considered with this application, particularly as it relates to environmentally significant lands. The Town Plan lists the area where the driveway would be constructed as an “Environmental Corridor or Resource Protection Area”, presumably for the mapped wetland setbacks in this area. While the house is not proposed to impact this Environmental Corridor, the driveway would travel through it. According to the Town Plan, one of the requirements for TDR is that *“any new receiving area development is limited to preserving the most productive agricultural land and in a manner that preserves the rural character of the Town using the following specific siting criteria: ... Outside of any environmentally sensitive areas, except forest cover”*. The Comp Plan does not define “development”; however, the Town of Deerfield has communicated that they do not consider a driveway by itself to be “development”.

Additionally, the Town’s Agricultural Transition District states that *“mapped environmental corridors in this district should be officially mapped by the Village of Deerfield and utilized as green space connectors. These features should not be encroached upon by new development, except that they may be used to provide locations for pedestrian paths and bikeways.”* Again, since Deerfield does not consider driveways to be “development”, the drive could go through the environmental corridor.

Finally, according to Wisconsin Department of Agriculture and Consumer Protection (DACTP) regulations, parcels in an Urban Service Area (which these parcels are in) cannot be zoned to FP. Therefore, staff recommends that if this rezone moves forward, the larger lot remains in RM-16 with a deed restriction that prevents development, and that this land not be rezoned to FP-1.

Should this petition be approved, TDR-R Overlay Zoning should be placed on the “receiving” property, and TDR-S Overlay Zoning on the “sending” property. Additionally, a conservation easement and deed notice should be recorded to document and acknowledge this transfer via TDR. For questions about the town plan, contact Senior Planner Ben Kollenbroich at (608) 266-9108 or Kollenbroich.Benjamin@danecounty.gov.

RESOURCE PROTECTION: As a result of a south-flowing intermittent stream on the property, the majority of the lands fall within the shoreland zoning district and are subject to shoreland regulations. Historically, the drainage pattern in the area was along the eastern property line but during the 1940s and 1950s the stream was straightened and moved further west to provide for agricultural drainage. In 1975, a west-to-east agricultural ditch was constructed in the southwestern portion of the property to provide additional drainage. These low-lying drained fields are included in the WI Wetland Inventory and recent wetland delineation has confirmed the wetland boundaries. The floodplain associated with the stream was included in a FEMA study with a defined base flood elevation of 854.8 feet above mean sea level. The proposed building site is on a small ridge with an elevation ranging from 855 to 860 above mean sea level. The access to the building site would require development within both the regulatory floodplain and wetland setback area.

TOWN ACTION: On April 13th the Town Board recommended approval with the following:

1. The petition No. 12270 is unanimously approved.
2. The related variance application in conjunction with this rezone request to allow a private driveway on the westerly 35 feet of the seventy five foot buffer zone to the recently delineated wetland as shown on a detailed map provided by surveyor David Riesop.
3. The transfer of a development right from the Robert and Daniel Riege farm to create a homesite on the subject area.

STAFF RECOMMENDATION: Staff recommends approval, finding that the proposed building envelope is adequate to support a single family residential development. While the outcome of the variance, to allow a driveway to the site, is pending, the applicants would have the option to either seek an alternative access or not complete the rezoning process if the site is unable to be accessed. We recommend approval with the following conditions:

1. The recording of the CSM.
2. The TDR-R (Transfer of Development Rights – Receiving) overlay zoning district shall be assigned to CSM Lot 1.
3. The TDR-S (Transfer of Development Rights – Sending) overlay zoning district shall be assigned to the sending property (parcels 071228395007 and/or 071228490001).
4. A deed notice shall be recorded on CSM Lot 1 that indicates it was created by a transfer of development rights.

Please contact Hans Hilbert at (608) 266-4993 or Hilbert.hans@danecounty.gov if you have questions about this petition or staff report.