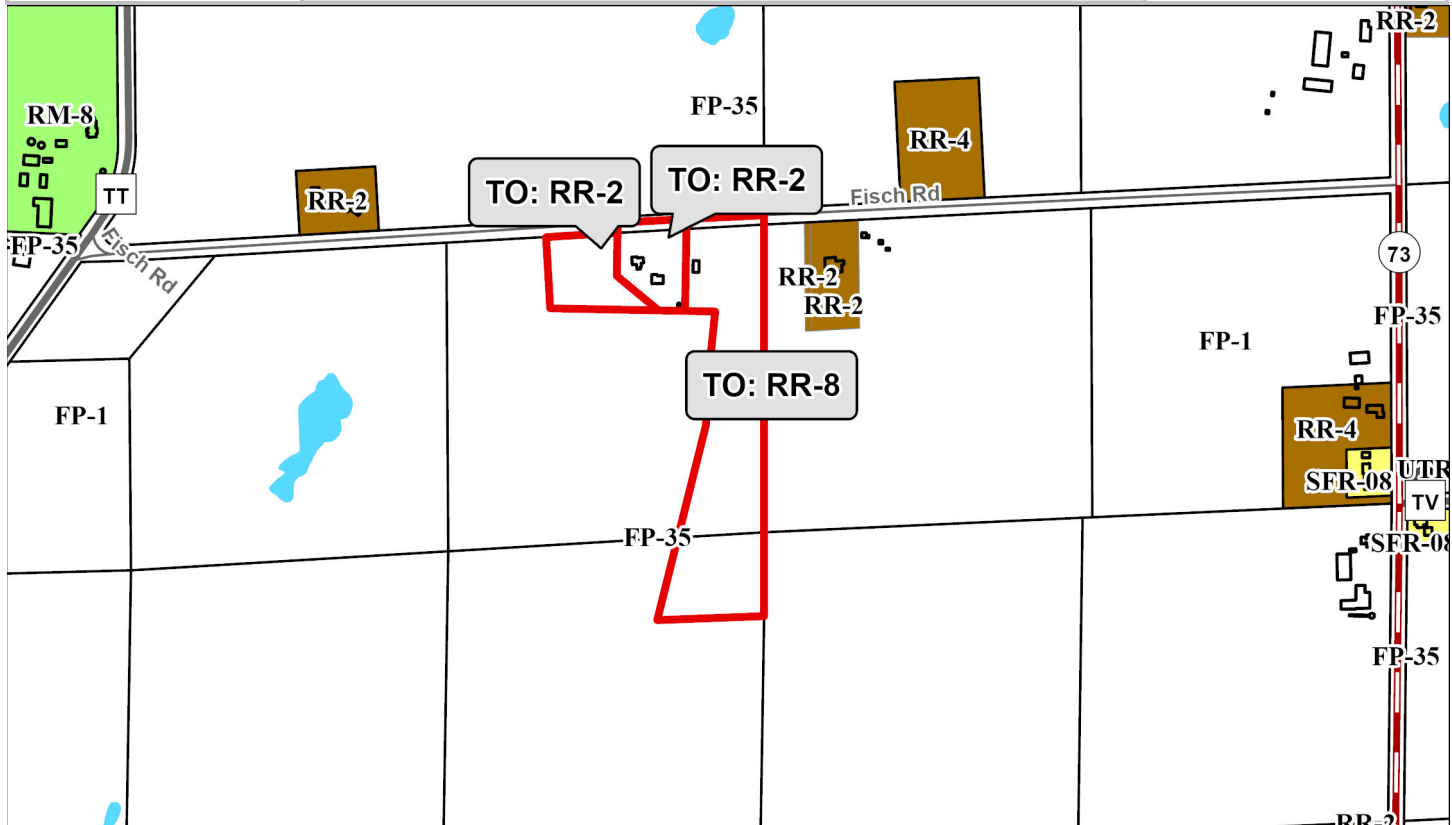


Staff Report  Zoning & Land Regulation Committee	<u>Public Hearing:</u> August 25, 2026		Petition 12310
	<u>Zoning Amendment Requested:</u> FP-35 Farmland Preservation District TO RR-2 Rural Residential District and RR-8 Rural Residential District		<u>Town, Section:</u> YORK, Section 27
	<u>Size:</u> 4.8,10.5 Acres	<u>Survey Required:</u> Yes	<u>Applicant:</u> BUSH PROPERTIES LLC (c/o Nancy Huber)
	<u>Reason for the request:</u> CREATING THREE RESIDENTIAL LOTS (ONE FOR EXISTING FARM RESIDENCE)		<u>Address:</u> 679 FISCH RD



DESCRIPTION: Applicants John Bush and Nancy Huber would like to separate an existing residence from the farm and create two additional residential lots with a 3-lot certified survey map (CSM). The lots would be accessed via Fisch Road. The 10.5-acre Lot 2 contains mostly untillable lands.

OBSERVATIONS: The proposed lot configuration meets county ordinance requirements, including lot size, public road frontage, and (for the existing structures) building setbacks and lot coverage by buildings. Proposed Lot 1 contains an existing residence and farm buildings. The eastern boundary of the rezone area contains mapped wetlands and a stream. Lot 2 would contain an existing barn building, which must maintain a 10-foot setback from the side lot line.

The south end of Lot 2 is within the Village of Marshall’s extraterritorial jurisdiction (ETJ) so the CSM may be subject to Village review.

COMPREHENSIVE PLAN: This land is in the town’s Agricultural Preservation District and is subject to the land use policies related to that designation. The proposed RR-8 lot also falls within the Town’s Environmental & Resource Protection District. As noted on the density study, there are two more development rights associated with this farm and the proposal would use those final two “splits”. Therefore, a deed restriction should be recorded which states that there are no more residential development rights left on the remaining farmland. York encourages smaller lots, ranging in size from one to three acres on less productive soils. Additionally, York’s siting standards and criteria encourages clustering of lots and discourages non-farm development within the Town’s Environmental & Resource Protection District.

The lots were arranged to meet the clustering preference of the Town and the proposal does a good job of avoiding impacts to prime farmland, while also maintaining the clustering component. The proposed RR-8 lot exceeds the Town's preference for new lots to be less than three acres in size. However, much of the lot is not developable due to wetlands and stream setbacks, so in reality less than three acres is likely developable, pushing development closer to the road and essentially making the proposed lot fall below the acreage limit. Additionally, while the RR-8 lot includes environmentally sensitive lands (wetlands and streambanks), these will be protected under the County's development regulations.

This proposal appears to be reasonably consistent with the Town Density Policy and the goals, objectives, and policies related to the Town's Agricultural Preservation District.

For questions about the town plan, contact Senior Planner Ben Kollenbroich at (608) 266-9108 or Kollenbroich.Benjamin@danecounty.gov.

RESOURCE PROTECTION: The eastern property line of proposed Lot 2 is parallel to an intermittent stream which contains mapped riparian wetlands. This places the eastern third of the lot within the 75-foot setback required to wetlands, and the lands within 300 feet of the stream are subject to shoreland zoning regulations. A large portion of uplands on the western side of the lot do provide a buildable envelope, but will be subject to impervious surface limits for lands falling within 300 feet of the stream. Staff has no significant resource projection concerns.

TOWN ACTION: Town Board recommends approval with no conditions.

STAFF RECOMMENDATION: Pending any comments at the public hearing, Staff recommends approval of the rezone subject to the following conditions:

1. Applicant submitting and recording the CSM.
2. A deed restriction shall be recorded on the remaining farm land (current tax parcels 091227395005, 091234285003, and 091234280008) stating the following:
 - a. Further residential/nonfarm development is prohibited on the remaining FP-35 zoned land. The housing density rights for the original Henry Jr. and Joanne Bush farm have been exhausted per the Town Comprehensive Plan density policies.
3. The barn on Lot 2 shall maintain a 10-foot side yard setback.

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