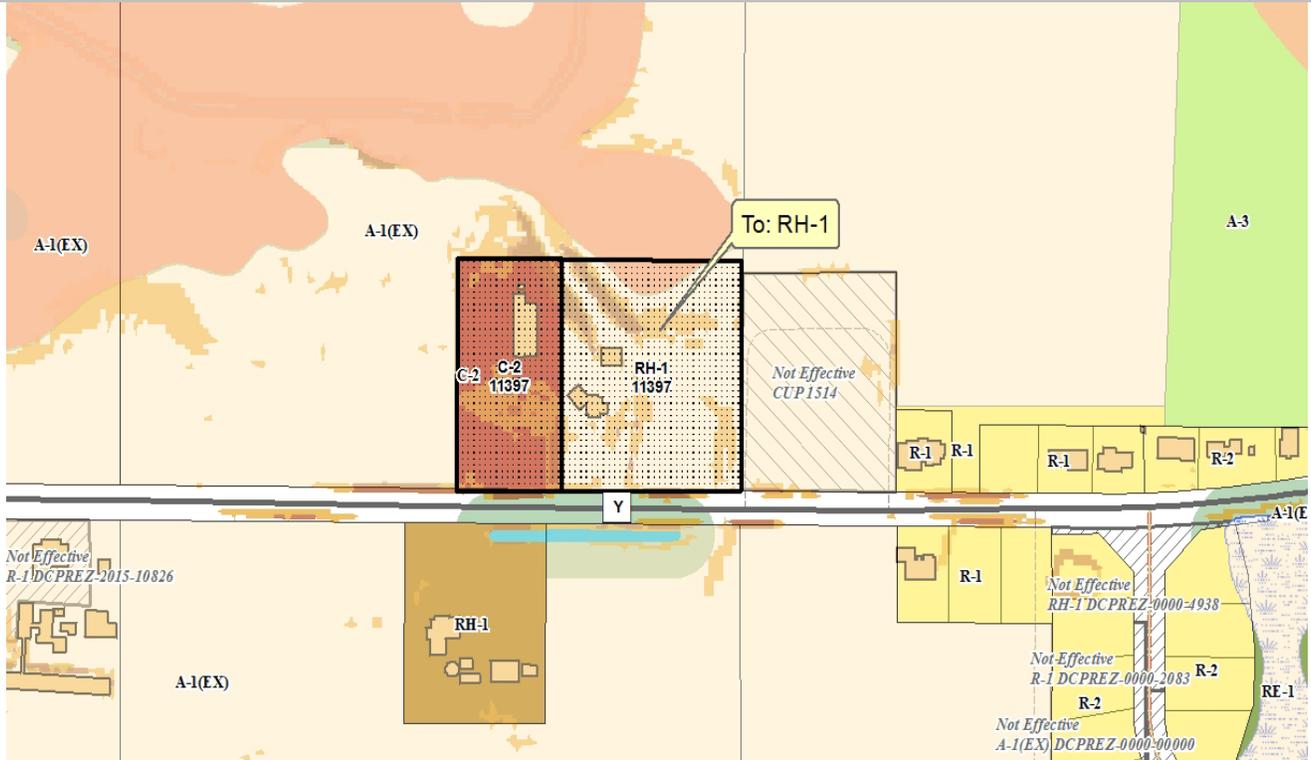


Staff Report  Zoning and Land Regulation Committee	<i>Public Hearing:</i> March 26, 2019	Petition 11397	
	<i>Zoning Amendment Requested:</i> A-1EX Agriculture District TO RH-1 Rural Homes District		
	<i>Size:</i> 3.97 Acres	<i>Survey Required:</i> Yes	<i>Town/Section:</i> ROXBURY, Section 17
	<i>Reason for the request:</i> Separating existing residence from farmland		<i>Applicant:</i> KIPPLEY REV LIVING TR, RALPH W & ETHEL T
		<i>Address:</i> 9054 COUNTY HIGHWAY Y	



DESCRIPTION: The applicant wishes to separate the existing residence and the existing C-2 business from the working farmland. The only zoning change requested is for the residential lot. A new access easement for the C-2 property is proposed to the west of the property boundary.

OBSERVATIONS: The commercial rezone (Rezone 4120) was put in place in 1987 to cover a woodworking/machinery shop at the time. A 2nd CSM lot will create a separate legal lot for the C-2 zoned area. Currently, road access from the business is through the proposed residential lot.

DANE COUNTY HIGHWAY: County Highway Y is not a controlled access highway. Any changes in land use would require a new access permit from the Department. No significant increase in traffic due to the zoning change.

TOWN PLAN: The proposal is in the Agricultural Preservation Area. This proposal is consistent with the

RESOURCE PROTECTION: There is a small area of resource protection areas on the residential lot, related to the floodplain around a stream to the north and west of the proposed lots.

STAFF: Staff suggests the deed restrictions on the C-2 parcel stay in place if no changes are expected. Staff also suggests deed restricting the balance of the farm as the housing density rights have all been used.

TOWN: The Town Board approved the petition with no conditions.

March 26th ZLR: The Committee postponed action on the petition to allow time for Staff and the applicant to review the housing density rights for the original farm.

STAFF UPDATE: The Town of Roxbury Comprehensive Plan designates the area as an Agricultural Preservation District. The Plan limits development to one housing density right per 35 acres of land. The Plan also specifies that any commercial development will count as one housing density right.

The original 1978 Kippley Farm consisted of 119 acres of net land. The property is afforded with 3 housing density rights as noted in the density study report. In 1988, a 2.2-acre portion of the farm was rezoned to C-2 to allow for a repair shop adjacent to the residence (rezone 4120). In 1998, a 20-acre portion of the farm was rezoned to RE-1 and B-1 to facilitate a gun shooting range. The pending separation of the original farm residence from the remaining farmland will use the last remaining housing density right on the original farm.

Staff suggests that a deed restriction be placed on the remaining farmland parcels, 0907-174-8500-8, 0907-173-8001-3, 0907-173-9501-6, and 0907-174-9000-1, to prohibit further residential development on the property. The housing density right will be exhausted per the Town of Roxbury Comprehensive Plan density policies.

Policies from the Town of Roxbury Comprehensive Plan

- *Within the Agricultural Preservation Area, limit new development to a density of **one residential dwelling unit per 35 acres** held in single ownership as of July 26, 1978. Prior to Town consideration of rezoning and land division approvals for new housing development, require the land owner/developer to request and obtain a density study from the Dane County Planning and Development Department.*
- **Contiguity of Ownership Generally Required:** *Except as may be allowed under sub-section 3 below, the number of dwelling units permitted shall be based on the acreage of net contiguous single ownership as of July 26, 1978.*
- **Rounding:** *The Town will calculate the number of permitted dwelling units by taking the total net acreage of all affected properties in contiguous single ownership as of July 26, 1978 (including portions of the parcel that were underwater) and dividing by 35 (except for parcels to which permitted dwelling units are transferred, under subsection 3). Rounding is not allowed. The maximum number of dwelling units allowed will be determined by dividing the number of net acres in contiguous single ownership as of July 26, 1978 by 35, with no consideration of fractions. For example, for a 90-acre parcel, a maximum of two dwelling units may be permitted ($90\text{acres}/35 = 2.57 = \text{truncate to } 2$).*
- **Farm Residences:** *All farm residences on July 26, 1978 parcels shall be considered one dwelling unit for the purposes of this density policy, regardless of when such residences were constructed.*
- **Commercial Uses:** *The only permitted commercial and industrial uses in the Agricultural Preservation Area are those allowed in agricultural zoning districts and the A-B Agriculture Business District, which allows businesses that support agriculture. Any use that requires rezoning away from A-1 Exclusive Agriculture will be considered the equivalent of one dwelling unit for the purpose of the density policy, except for cell towers provided that a deed restriction is recorded against the land to prevent residential use of the cell tower lot.*