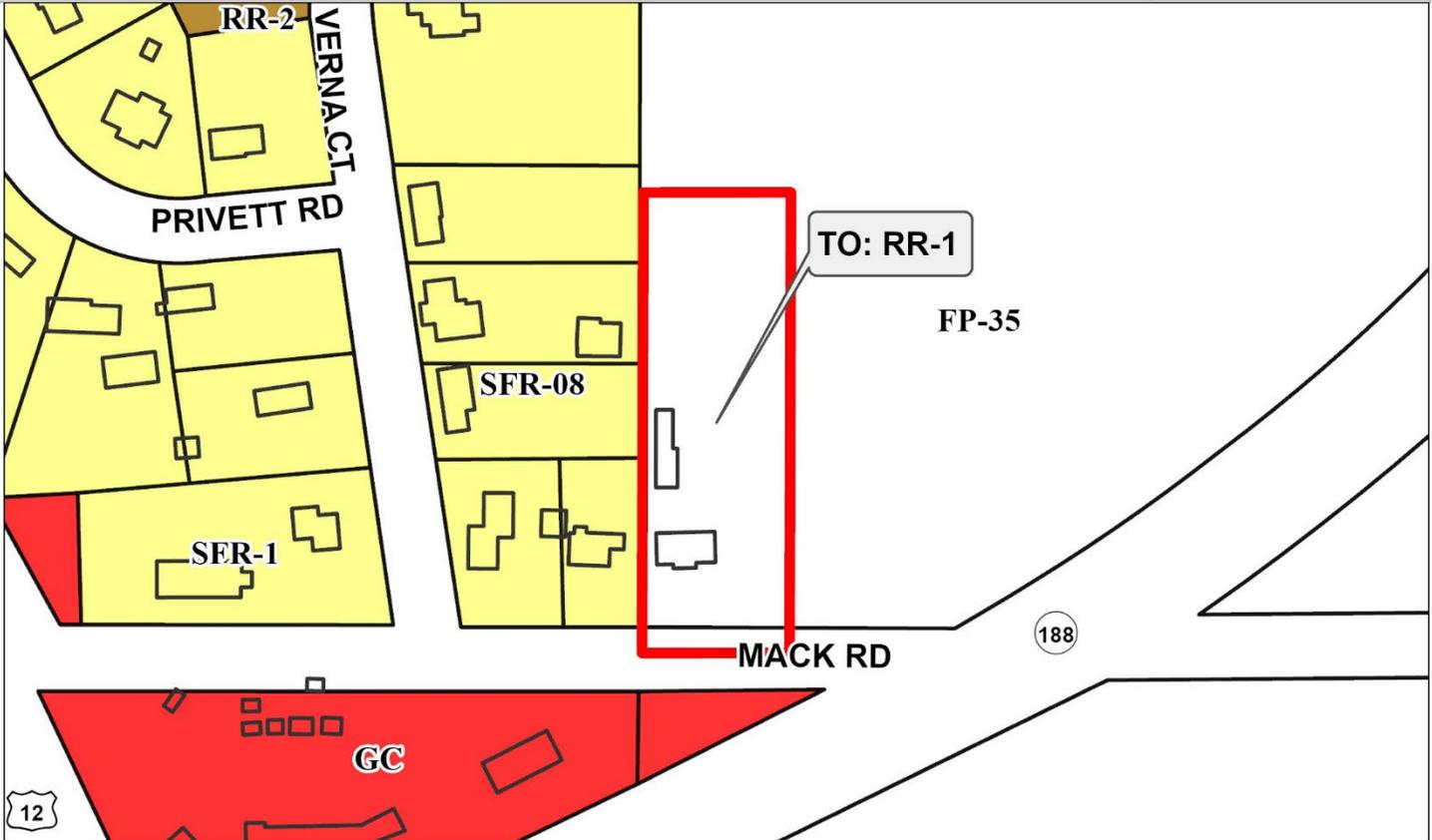


<b>Staff Report</b>    <b>Zoning and Land Regulation Committee</b>	Public Hearing: <b>December 19, 2023</b>	<b>Petition 11993</b>	
	<u>Zoning Amendment Requested:</u> <b>FP-35 Farmland Preservation District TO RR-1 Rural Residential District</b>		
	<u>Size:</u> <b>1.5 Acres</b>	<u>Survey Required:</u> <b>Yes</b>	<u>Town/Section:</u> <b>ROXBURY, Section 7</b>
	<u>Reason for the request:</u> <b>Separating existing residence from farmland</b>		<u>Applicant:</u> <b>LARRY MANTHEY</b>
		<u>Address:</u> <b>9368 MACK ROAD</b>	



**DESCRIPTION:** Larry Manthe proposes rezoning of 1.5 acres to RR-1, in order to split off the farmstead from the farm, so he can sell the farmstead and keep the farm.

**OBSERVATIONS:** The proposed lot conforms to the requirements of the RR-1 zoning district. The remaining agricultural lands with FP-35 zoning do not need to be included in the certified survey map that creates the residential lot, because the current owner will continue to own an agricultural tract over 35 acres in size; no change of use is proposed.

**COMPREHENSIVE PLAN:** The proposal is in the agricultural preservation area of the Town of Roxbury Comprehensive Plan. Town of Roxbury has a density policy of 1 per 35 acres, and counts the separation of farm residences. The plan states: "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." This proposal of separating an existing residence is consistent with the policies in the Town and County Comprehensive Plans. (For questions about the town plan, contact Senior Planner Curt Kodl at (608) 266-4183 or [kodl@countyofdane.com](mailto:kodl@countyofdane.com))

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

**TOWN ACTION:** On December 4, 2023 the Town Board recommended approval of the rezone with no special conditions.

**STAFF RECOMMENDATION:** As the proposal uses the last split, staff recommends the deed restriction on the balance of ownership that is zoned FP-35. Pending any comments at the public hearing, staff recommends approval of the rezone subject to the applicant recording the CSM for the new lot and the following condition:

1. A deed restriction shall be recorded on the balance of FP-35 zoned land (the remainder of tax parcels 090707490002 and 090707495010) stating the following:

Further residential/nonfarm development is prohibited on the remaining FP-35 zoned land. The housing density rights for the original farm have been exhausted per the Town Comprehensive Plan density policies.

Any questions about this petition or staff report please contact Rachel Holloway at (608) 266-9084 or [holloway.rachel@countyofdane.com](mailto:holloway.rachel@countyofdane.com)