



Staff Report

Zoning and Land Regulation
Committee

Public Hearing: **August 28, 2018**

Zoning Amendment:
CUP for a farm residence in the A-1 Exclusive Agriculture District

Acres: 36.04
Survey Req.

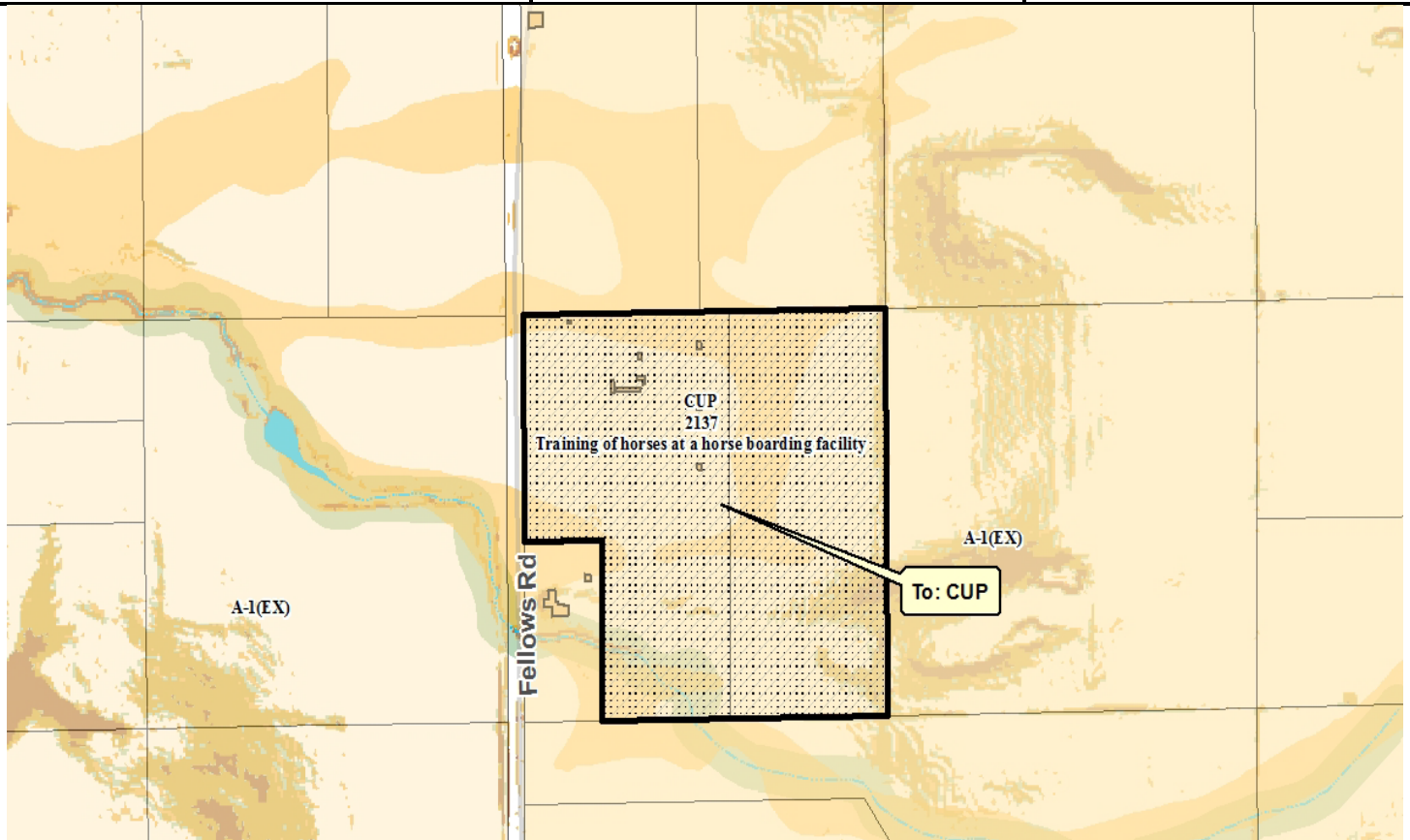
Reason:
CUP for a farm residence in the A-1 Exclusive Agriculture District

Petition: **CUP 02432**

Town/sect:
Dane, Section 15

Applicant
Adam W. Hoon

Location:
7312 Fellows Road



DESCRIPTION: The petitioner would like to construct a farm residence associated with an existing horse boarding & training facility allowed under previous CUP 2137. The applicant is both the barn manager and trainer of the horse facility and would like to be able live onsite. The A-1(EX) zoning district allows for a “farm residence” through a conditional use permit, subject to the criteria listed in s. 10.123(4).

OBSERVATIONS: The property is called the Pine Dane Ranch, comprised of 36 acres.

TOWN PLAN: The property is within a Farmland Preservation Area of the adopted comprehensive plan. Residential development is limited to one unit per 35 acres. The proposal is consistent with the town/county density policies (please see the attached Density Study). With such a large CUP area, it is difficult to determine whether town/county siting criteria are met (see below).

RESOURCE PROTECTION: There are mapped resource protection areas present: steep slopes (over 12 percent) and the waterway on the south end of the property. Shoreland zoning standards may apply, depending on the exact location of the residence.

STAFF: The provided material meets the requirements of having a residence for a farm owner/operator within the A-1EX Exclusive Agriculture Zoning District. The zoning district requires 3 conditions to be imposed.

TOWN: The Town Board approved the Conditional Use Permit with no conditions.

Staff Report for Conditional Use Permit 2432

In order for an applicant to obtain a Conditional Use Permit, the Zoning and Land Regulation Committee must find that all of the following standards are met for the proposed land use:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare.
2. The uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.
3. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made; and
5. That adequate measures have been or will be being taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

Staff has prepared a list of conditions that may be used in order to meet the six standards as listed above to allow the conditional use on the property. Please note that the conditions may need to be changed or additional conditions added to address potential nuisances that may come to light during the public hearing.

Under the A-1 Exclusive Agriculture Zoning District, s. 10.123(4)(b), there are certain requirements for conditional use permits for farm residences:

1. The Zoning Committee shall include a "sunset" provision on any CUP for a residential use issued after December 17, 2009 in the A- 1EX district stating that the CUP shall expire upon sale of the property to an unrelated 3rd party. Upon sale of the property to an unrelated 3rd party, a new Conditional Use Permit or rezoning application must be filed.
2. Any Conditional Use Permit found to be in violation of this section may be revoked by the Zoning Committee, and a zoning change to an appropriate residential district shall be required to bring the property and residential use into compliance with the provisions of this ordinance.
3. The Zoning Committee shall require the recording of a notice document with the Register of Deeds on the subject property notifying current and future owners of the provisions of paragraph 1. and 2. of this section.

As such, staff suggests that the "sunset" provision be a condition of the conditional use permit and a notice document placed on the property which limits the occupant of the residence to the farm owner/operator; family members; or farm worker.