
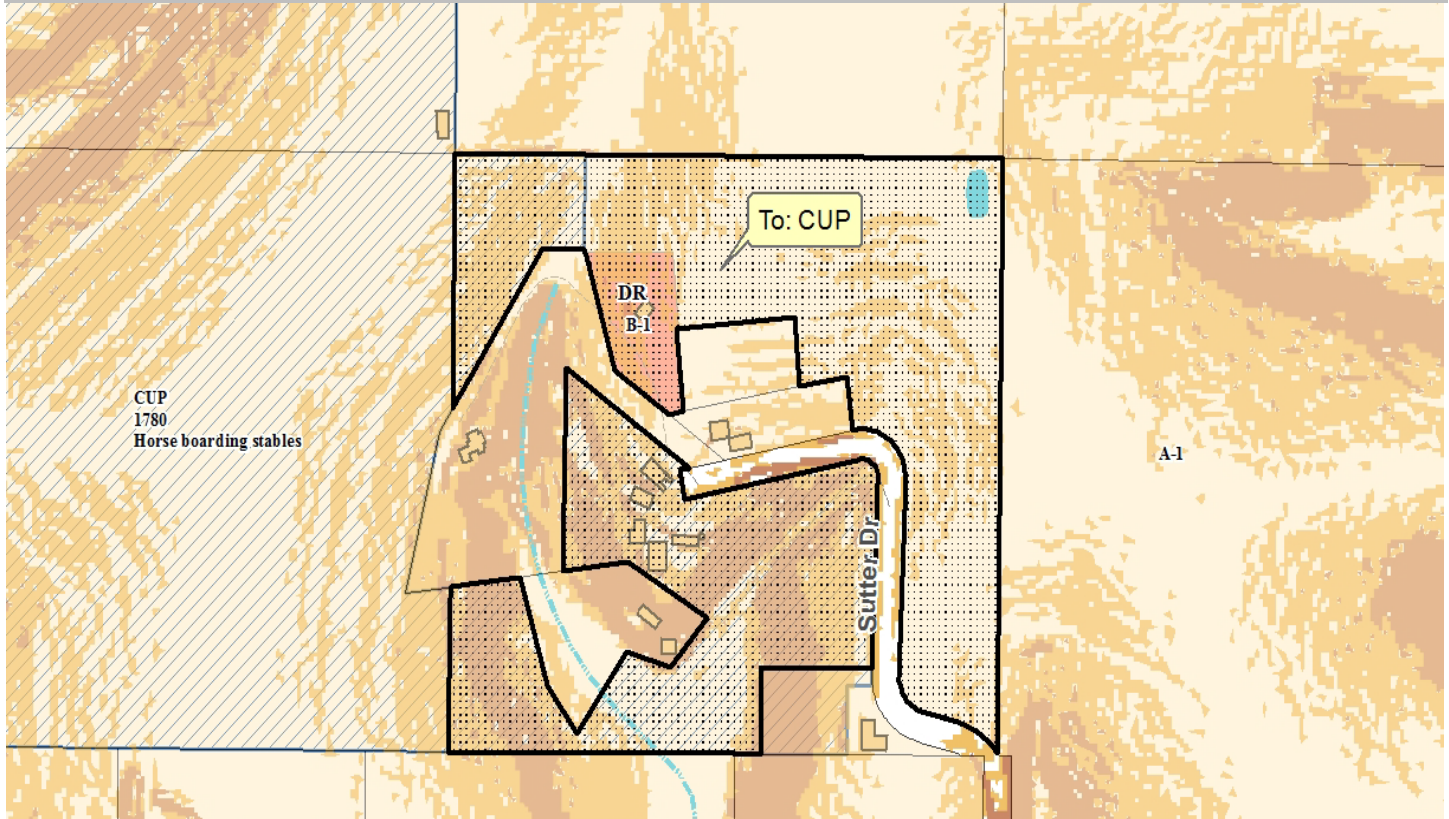


Staff Report  Zoning and Land Regulation Committee	<i>Public Hearing:</i> November 26, 2019	CUP 02486	
	<i>Zoning Amendment Requested:</i> TO CUP: AGRICULTURE ENTERTAINMENT ACTIVITIES OR SPECIAL EVENTS OCCURRING 10 DAYS OR MORE PER CALENDAR YEAR, IN AGGREGATE		<i>Town/Section:</i> SPRINGDALE, Section 29
	<i>Size:</i> 27.82 Acres	<i>Survey Required:</i> No.	<i>Applicant:</i> SUTTER FAMILY FARM LLC
	<i>Reason for the request:</i> AGRICULTURE ENTERTAINMENT ACTIVITIES OR SPECIAL EVENTS OCCURRING 10 DAYS OR MORE PER CALENDAR YEAR, IN AGGREGATE		<i>Address:</i> 2039 SUTTER DRIVE



DESCRIPTION: The Town of Springdale has submitted a conditional use permit application on behalf of the landowner to better accommodate the existing Sutter’s Ridge Family Farm under the new County zoning ordinance. Under the new county zoning ordinance, which the town adopted on November 14, this property is in the AT-35 (Agriculture Transition) zoning district. In the AT-35 district, agricultural entertainment activities occurring more than 10 days in a calendar year require a conditional use permit. If approved, CUP 2484 will bring the existing pick-your-own farm operation and the annual fall festival into compliance with the new zoning requirements.

CONDITIONAL USE PERMIT STANDARDS FOR APPROVAL: Conditional uses are those uses which, because of their unusual nature and potential for impacts on neighboring lands or general welfare, warrant special consideration and review. The zoning ordinance includes specific requirements and standards for review and approval of the conditional use permit. The zoning committee must deny a conditional use permit if it finds that the standards for approval are not met, and must approve if it finds that the standards for approval are met. The decision to approve or deny a conditional use permit must be supported by substantial evidence. Any conditions imposed must be based on substantial evidence, related to the purpose of the ordinance, reasonable, and, to the extent practicable and measurable. The zoning committee must find that all the following general standards for approval are met for the proposed conditional use:

- a. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare;

- b. That 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;
- c. That 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;
- d. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made;
- e. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
- f. That the conditional use shall conform to all applicable regulations of the district in which it is located.
- g. That the conditional use is consistent with the adopted town and county comprehensive plans.

OBSERVATIONS/FACTUAL INFORMATION:

Current zoning and applicable district regulations: Petition 9712, effective 8/27/2007 rezoned 1.38 acres of the Sutter property to the B-1 zoning district, with a restriction that limited retail sales to agricultural products, set hours of operation and allowed for an annual fall festival. CUP 1780, effective May 13, 2002, allowed for a horse boarding facility on this property and adjacent property also owned by Sutter Family Farm, LLC. Under the new county zoning ordinance (adopted by the Town of Springdale on 11/14/2019), the entire property was zoned in the AT-35 (Transitional Agriculture). The AT-35 district requires a conditional use permit for agricultural entertainment (which includes all of the activities approved under Petition 9712) in excess of 10 days per calendar year.

Surrounding land uses / neighborhood: There are five single family residential homes on the property, four of them in Rural Residential zoning and one in Single-Family Residential zoning. All five homes are currently owned by members of the Sutter family. The property is adjacent to Dane County’s Donald Park to the east, and by agriculture and woodlands to the north, west and south. A small sand and gravel pit lies approximately 650 feet to the southwest. The surrounding properties are predominately in AT-35, Rural-Mixed Use and Recreational zoning.

Utilities, access, drainage, and other necessary site improvements: No expansion of the existing agricultural entertainment use is proposed. The proposed CUP area has direct access to Sutter Road, a town road. Access, drainage, parking and current utilities appear adequate for the current use.

TOWN PLAN: The *Town of Springdale / Dane County Comprehensive Plan*, originally adopted in 2000, supports non-residential uses “that do not detract from the natural resources and/or rural quality of life in the town.”

RESOURCE PROTECTION: An intermittent stream corridor runs from north to south through the property, eventually connecting with Deer Creek, approximately ¼ mile from the southern property line. Most of the proposed CUP area avoids these areas. No new construction is proposed.

STAFF: Staff recommends approval, with the following conditions. These conditions are identical to those approved as part of Petition 9712.

1. Retail sales are limited to agricultural products, produce grown on the farm, fresh and preserved fruits and vegetables, baked goods produced on-site, non-alcoholic beverages, assorted meats, and artwork.
2. Hour of operation for retail sales are limited to daylight hours during the growing season.
3. Fall festival activities shall be limited to the last weekend in September and weekends in October. Hours of operation for all festival activities shall be limited to 9 a.m. to 5 p.m.
4. Outdoor lighting associated with agricultural entertainment activities is prohibited.
5. Signage shall be on-site, unlit, and limited in size to 2 feet by 3 feet, or less.
6. No parking or storage of vehicles within the street right-of-way.

TOWN: On October 10, 2019, the Town Board voted to approve CUP 2486, with the intent “to continue the existing activities per Dane County Zoning #9712 approved in 2007.”

Questions? Contact Brian Standing at standing@countyofdane.com, 608-267-4115.