

TOWN BOARD ACTION REPORT – REZONE

Regarding Petition # 10752

Dane County Zoning & Land Regulation Committee Public Hearing Date 9/23/2014

Whereas, the Town Board of the Town of Primrose having considered said zoning petition,

be it therefore resolved that said petition is hereby (check one):  **Approved**  **Denied**  **Postponed**

**Town Planning Commission Vote:** 5 in favor 0 opposed 0 abstained

**Town Board Vote:** 3 in favor 0 opposed 0 abstained

**THE PETITION IS SUBJECT TO THE FOLLOWING CONDITION(S) (Check all appropriate boxes):**

- 1.  *Deed restriction* limiting use(s) in the \_\_\_\_\_ zoning district to **only** the following:
  
- 2.  *Deed restrict* the balance of A-1 EX Agricultural Exclusive zoned land owned by the applicant from the original farm (as of date specified in the Town Plan) prohibiting non-farm development. Please provide property description, or tax parcel number(s):
  
- 3.  *Deed restrict* the applicant's property described below prohibiting division. Please provide property description, or tax parcel number(s):
  
- 4.  *Condition* that the applicant must record a *Notice Document* which states all residential development units (a.k.a. splits) have been exhausted on the property, and further residential development is prohibited under Town & County Land Use Planning policies. Please provide property description, or tax parcel number(s):
  
- 5.  **Other Condition(s). Please specify:**

Density Option B is used requiring 2 densities per building site. That planings will be required to provide screening to the other residents from LaFollette Road and the neighboring lands and residences. That a Deed Restriction be placed on the properties limiting the sale of the rezoned areas as follows:

\*The described lots are prohibited from sale to individuals outside the farm corporation of Sponem Valley View Dairy, LLC., for a term of 25-years from the date of the recording of this deed restriction.

However, prior to the 25-year sunset clause, in the event that the Lot owner proves an instance of a catastrophic health problem (injury, terminal or significant illness), a Foreclosure and/or Divorce; the individual owners of said Lots will be able to request removal of this deed restriction to the Township and County in order to obtain the approval to rezone their Lot from A2(2) Agriculture Zoning District to RH-1 Rural Homes Zoning District; then if needed, be able to place their lot on the open market for sale to individual(s) not associated with the farm corporation.

In the event a mortgage holder initiates a foreclosure action, the mortgage holder will provide the Township and County documentation of the foreclosure action. Upon request by the mortgage holder and evidence of a foreclosure action being filed the Township and County will change the zoning to RH-1 Rural Homes Zoning District and terminate the restriction.\*

**Please note:** The following space is reserved for comment by the minority voter(s), **OR**, for the Town to explain its approval if the decision does not comply with the relevant provisions of the Town Plan.

The approved sites preserve the most farmland and promote the continued investment in the farming operation. The Plan Commission indicated that it was in the best interest of the Township and consistent with the land use plan to promote family farms. Although the motion to approve the sites was at the April 7, 2014 Board Meeting it was conditional upon the development of the deed restriction which was not finalized until the July 7, 2014 Board Meeting.

I, Jamie Baker, as Town Clerk of the Town of Primrose, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on 4/7/2014

Town Clerk Jamie Baker Date: 9/17/2014