



Staff Report

Zoning and Land Regulation Committee

Public Hearing: **June 26, 2018**

Zoning Amendment:
TO CUP: Secondary farm residence for owner of farm.

Acres: 40.22 acres
Survey Req. No

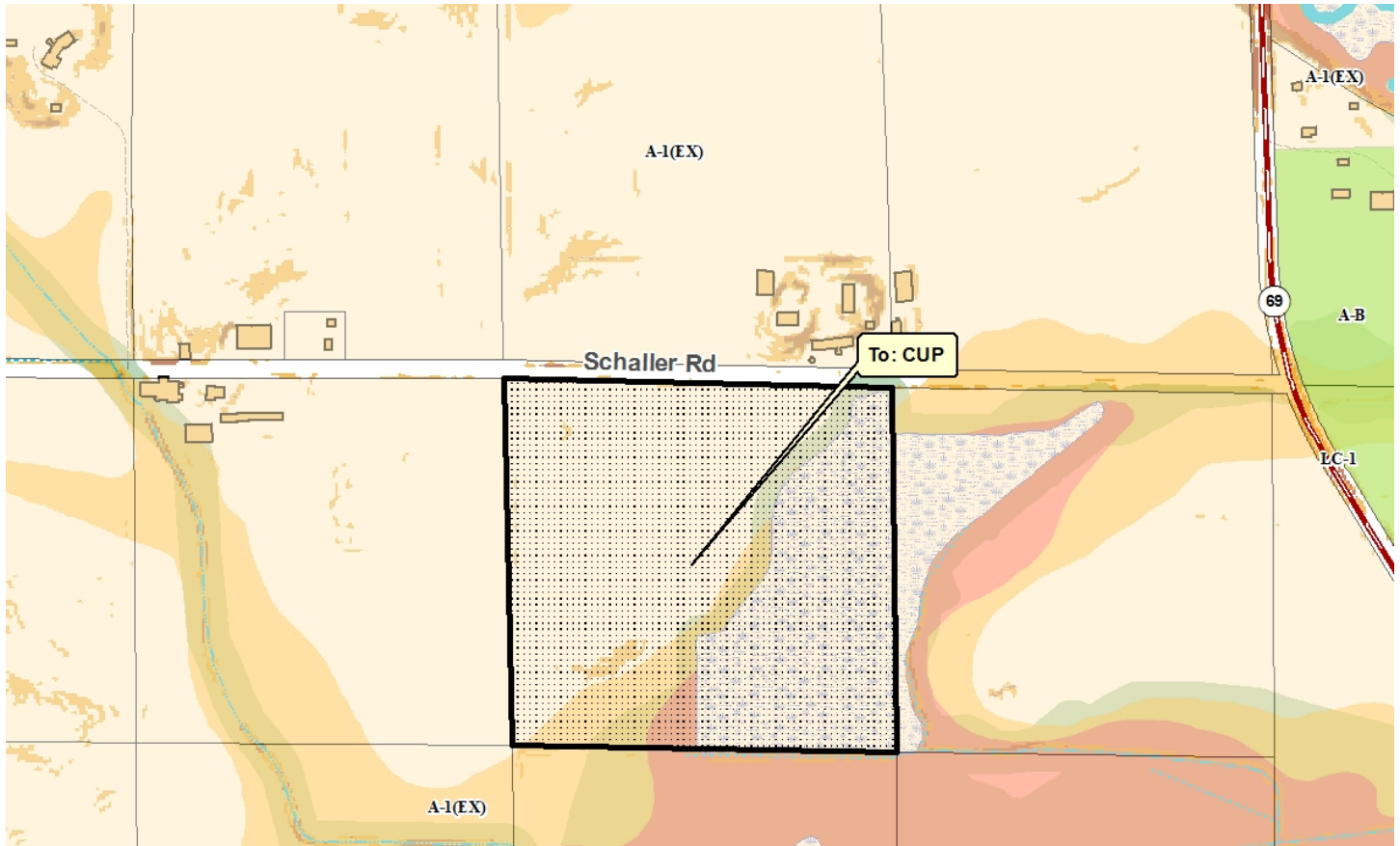
Reason:

Petition: **CUP 02421**

Town/sect:
MONTROSE, Section 4

Applicant
DONALD P SCHALLER

Location:
1,150' EAST OF 7313 SCHALLER RD



DESCRIPTION: Landowners would like to construct a secondary farm residence to allow their son, who works on the farm, to live on the property.

OBSERVATIONS: Property is part of the 193-acre Schaller Dairy farm, along with additional rented acreage. The CUP area is defined as an entire 40-acre quarter-section.

TOWN PLAN: The property is within a Farmland Preservation area in the *Town of Montrose / Dane County Comprehensive Plan*. Residential development, whether associated with a working farm or not, is limited to one unit per 35 acres owned as of September 11, 1978. If CUP 2421 is approved, the 193-acre farm will have 4 potential homesites remaining. With such a large CUP area, it is difficult to determine whether town/county siting criteria are met.

RESOURCE PROTECTION: Mapped resource protection corridors associated with extensive wetlands, floodplains, hydric soils and an intermittent stream corridor cover approximately 18 acres of the 40-acre site. New development should avoid such areas entirely. Shoreland, wetland and floodplain zoning standards will apply.

STAFF: Applicant should provide a revised legal description for a smaller CUP area, 2 to 5 acres, that shows the precise building location, plus any associated yards, residential accessory buildings, septic system areas, driveways, etc. All building areas should be clearly outside mapped Resource Protection Corridors, prime and statewide-significant farm soils, and should meet all siting criteria of the *Town of Montrose / Dane County Comprehensive Plan*.

TOWN: The Town Board has approved the conditional use permit with no conditions.

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-1Ex Exclusive Agriculture Zoning District, there are certain requirements for conditional use permits pertaining to farm residences. The requirements are as follows:

(b) Permit conditions.

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.

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.