
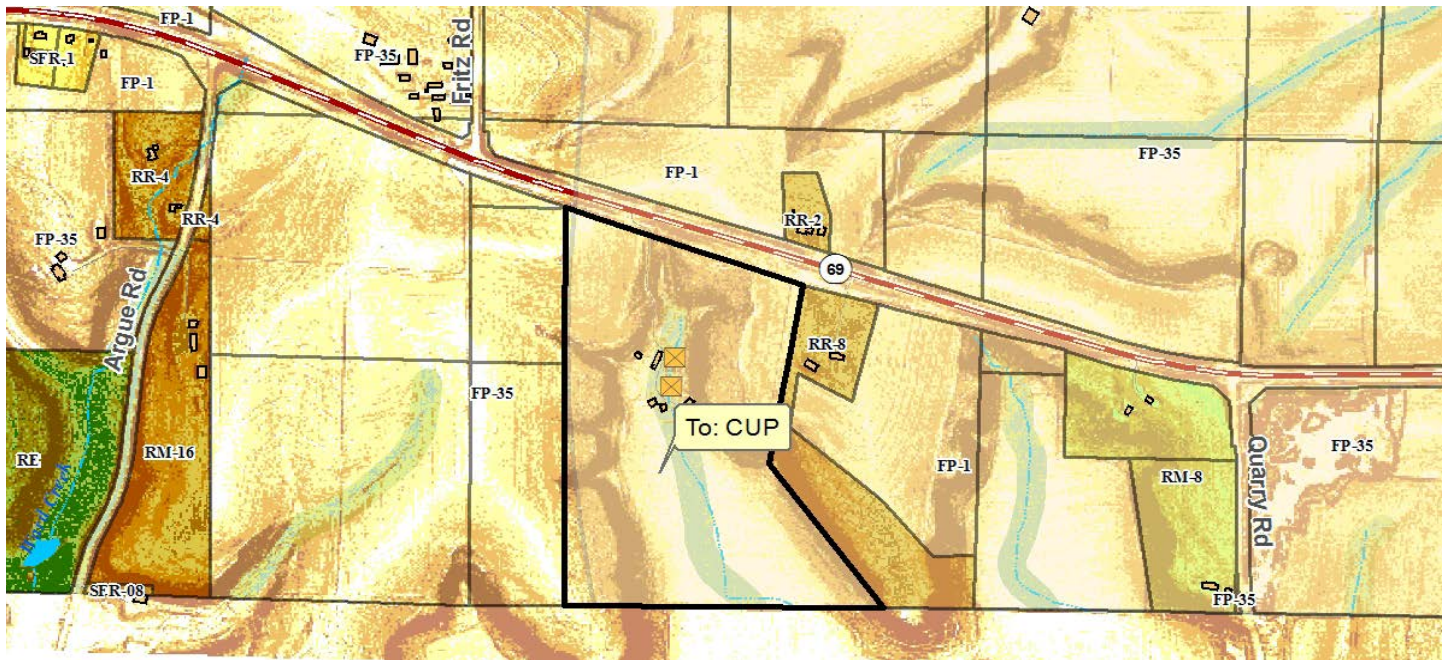


<p>Staff Report</p>  <p>Questions? Contact Brian Standing, standing@countyofdane.com, 608-267-4115</p>	<p>Public Hearing: August 25, 2020</p> <p><u>Zoning Amendment Requested:</u> TO CUP: Second Farm Residence for parents</p>	<p>CUP 02501</p> <p><u>Town/Section:</u> MONTROSE, Section 31</p>
	<p><u>Size: Acres</u></p> <p><u>Survey Required.</u></p>	<p><u>Applicant</u> MORCOY COMPOUND LLC</p>
	<p><u>Reason for the request:</u> Second Farm Residence for parents</p>	<p><u>Address:</u> 7741 STATE HWY 69</p>



DESCRIPTION: Applicant wishes to bring a legal, nonconforming secondary farm residence into zoning compliance through an approved conditional use permit. If approved, the CUP will allow for renovations to the existing secondary farm residence and for the addition of a garage. The FP-35 zoning district treats all **primary** residences constructed prior to 2010 as a permitted use, whether they are still used as a farm residence or not. The ordinance makes no such accommodations for **secondary** residences.

OBSERVATIONS/ FACTUAL INFORMATION: The existing secondary residence was originally constructed under a prior conditional use permit (CUP 432, approved in 1985). Since then, farming activities on the property ceased for more than a year, and the CUP expired due to abandoned activity. The current landowner has reestablished agricultural uses on the property, and has run the property as an active farm for the past three years. Applicant has provided three years of Schedule F (Profit and Loss from Farming) tax forms to document substantial income, as required by the county zoning ordinance. The property is owned by an LLC consisting of parents and adult children, all of whom derive substantial income from the farm. Approval of the CUP will allow for renovations to the existing secondary residence.

TOWN PLAN: The property is within a Farmland Preservation Area. Residential density is generally limited to one unit per 35 acres owned as of 9/11/1978. The *Town of Montrose / Dane County Comprehensive Plan* allows for secondary farm residences, but makes it clear that such residences under CUP count against the town's residential density cap. If approved, CUP 2501 will **exhaust** the development potential of this property.

RESOURCE PROTECTION: Based on county geographic information system information, an apparent intermittent stream runs from north to south through the middle of the site. If the stream is determined to be navigable under state law, shoreland zoning standards will apply to any new construction, land disturbance or new impervious surface area.

STAFF: Recommend approval with the following conditions:

1. The balance of the property be deed restricted to prohibit further residential development.
2. The conditional use permit for a farm residence shall expire on the sale of the property to an unrelated third party. Continued use of a farm residence after sale to an unrelated third party shall require approval of a new conditional use permit.
3. Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation. Continued use of residence with a revoked conditional use permit shall require approval of a rezone petition to a zoning district that allows nonfarm residential use.
4. The landowner must record a notice document with the Register of Deeds on the subject property notifying current and future owners of the Conditions 2 and 3 above.
5. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
6. New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Uniform Dwelling Code.
7. The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.
8. Existing onsite wastewater sewage disposal systems serving the farm residence must be inspected by a licensed plumber to determine its suitability. Any deficiencies must be brought, at the owner's expense, into full compliance with the current requirements for new development of the state plumbing code and Chapter 46, Dane County Code.
9. If the farm residence is abandoned for one year or more, the associated conditional use permit shall be terminated. Future re-establishment of an abandoned conditional use shall require approval of a new conditional use permit.

TOWN: On July 7, 2020, the Town of Montrose Board of Supervisors voted to recommend approval, with no conditions.