
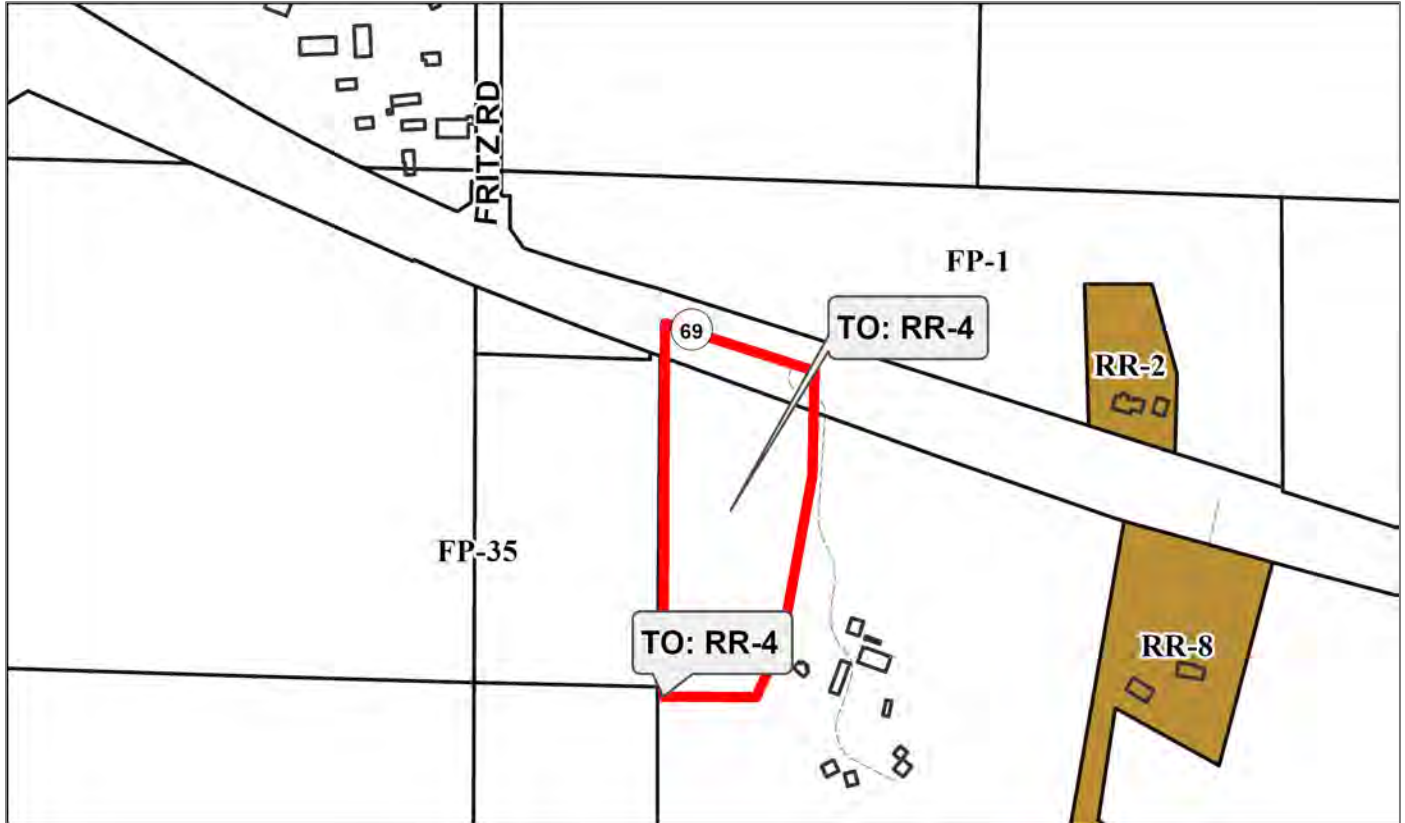


Staff Report  Zoning and Land Regulation Committee	<i>Public Hearing:</i> February 27, 2024		Petition 12010
	<i>Zoning Amendment Requested:</i> FP-35 Farmland Preservation District TO RR-4 Rural Residential District		<i>Town/Section:</i> MONTROSE, Section 31
	<i>Size:</i> 6.45 Acres	<i>Survey Required:</i> Yes	<i>Applicant</i> MORCOY COMPOUND LLC (PAUL MORRISON)
	<i>Reason for the request:</i> Create one new residential lot		<i>Address:</i> 7741 STATE HIGHWAY 69



DESCRIPTION: Applicant proposes to create one 6.5-acre residential lot with RR-4 zoning, splitting it off from the 55-acre farm property with a one-lot certified survey map (CSM) to enable construction of a new home. There are currently two homes on the FP-35 farm property; the applicants would demolish one of the homes (the original farm residence on the west end of the property). The remaining 49 acres of land would remain in FP-35 zoning.

OBSERVATIONS: There is a small cattle raising operation on the 55-acre property. In 2020, the landowner obtained approvals to have a second residence on the property. [Conditional Use Permit 2501](#) was obtained proving that a second residence was necessary for the operation of the farm. As condition of the CUP, the CUP would be terminated if the farm operation ceases. With the absence of a farm operation, the property with two residences would be in violation of the zoning ordinances. The landowner would need to demolish one of the houses to remain in compliance once the operation ceases.

The property is located along State Highway 69. No change is proposed to the existing driveway access. If this petition is approved to create a new residential lot, the driveway would continue to serve two residences as it does now. However, a shared driveway access easement will be needed as part of the CSM.

The property is within the Village of Belleville’s extraterritorial jurisdiction for land division reviews.

COMPREHENSIVE PLAN: Property is within a Farmland Preservation Area under the [Town of Montrose / Dane County Comprehensive Plan](#). Residential development is capped at one unit per 35 acres owned as of 9/11/1978. In 1978, this property was part of a 55.35-acre farm owned by Louis Gardipee. The town/county plan does not allow rounding up of fractional development rights, so the 1.58 quotient is rounded down to 1 development right for the Gardipee farm. The town/county plan includes the following language:

3. To allow farm residences for those who earn a substantial part of their livelihood from their operations. These houses will count toward the one lot per 35 acres overall density of policy 4.

[CUP 2501](#) (effective 8/25/2001) approved a secondary farm residence on this property, exhausting the development potential under the town plan.

The town/county plan provides for limited exceptions from the town density cap for replacements of pre-1978 farm residences that remain in farmland preservation zoning.

5. To provide for replacement of the existing farm residence with a new residence for the farm operator. Disposition of the old farm residence would have to meet all policy criteria of the plan, land division and zoning change requirements. These new houses will count toward the one lot per 35 acres owned overall density of Policy 4, unless the old residence is demolished.

In order to bring Petition 12010 into consistency with the adopted town/county comprehensive plan, the following would have to happen:

1. The existing (pre-1978) farmhouse on PIN 0508-314-9000-7 should be demolished, or converted to nonresidential use.
2. The existing, secondary farm residence approved under CUP 2501 (approximately 300 feet west of the original farm home) could become a replacement, primary residence. Section 10.222(2)(b)1.c., Dane County Code grants the town board and ZLR the authority to approve a replacement residence that is further than 100 feet of the original residence.
3. If CUP 2501 is declared null and void, this would release one density unit from the 1978 Gardipee farm.

Under this scenario, the development potential of the entire 55.35-acre Gardipee farm would be exhausted, and remaining lands in FP zoning should be deed restricted to prohibit further development.

(For questions about the town plan, contact Senior Planner Brian Standing at (608) 267-4115 or standing@countyofdane.com)

RESOURCE PROTECTION: There are no sensitive environmental features on the subject property. Water resource maps show an intermittent stream running through the farm property to the east of the proposed lot; the stream was determined to be non-navigable in 2021 so no shoreland zoning regulations apply.

TOWN ACTION: On February 6, 2024 the Town Board recommended approval of the petition subject to the demolition of the original farmhouse.

STAFF RECOMMENDATION: Based on the town/county plan policies above, the petition would be consistent with the land use policies because (1) one of the two farm residences will be removed from the property, resulting in only one pre-existing, previously approved residence on the FP-35 zoned land; (2) CUP 2501 for a “secondary” farm residence would be rendered null and void because the property would no longer contain two farm residences, and the land would be sold to an unrelated third party which triggers expiration of the CUP.

Pending any comments at the public hearing, staff recommends approval subject to the applicant recording the CSM for the new lot and the following conditions:

1. Within 6 months of the County Board action on this petition, the landowner shall raze (remove) one of the farm residences on the property prior to the zoning becoming effective.
2. Conditional Use Permit #2501 for a secondary farm residence shall be rendered null and void.

3. A new deed restriction shall be recorded to document how the development rights have been used on the farm. A deed restriction shall be recorded on the remaining FP-35 lands (current tax parcel 0508-314-9000-7) stating the following:
 - a. Further residential/nonfarm development is prohibited on the remaining FP-35 zoned land. The housing density rights for the original Louis J. Gardippe farm have been exhausted per the Town Comprehensive Plan density policies.
4. A shared driveway access easement shall be recorded along with the certified survey map for the new lot, to provide access to both the farm and the new residence.

Any questions about this petition or staff report please contact Rachel Holloway at (608) 266-9084 or holloway.rachel@countyofdane.com