

PREPARED FOR THE PLAN COMMISSION



Project Address: Adjacent to 3972 Vilas Hope Road, Town of Cottage Grove
Application Type: Certified Survey Map (CSM) in the Extraterritorial Jurisdiction
Legistar File ID # [83268](#)
Prepared By: Lisa McNabola and Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicant & Property Owner: Jeff Schlieckau; 4427 Baxter Road, Cottage Grove.

Surveyor: Chris Adams; Williamson Surveying; 104A W Main Street, Waunakee.

Requested Action: Approval of a Certified Survey Map (CSM) to divide 0711-193-8430-0 in the Town of Cottage Grove (adjacent to 3972 Vilas Hope Road) into two residential lots and one lot for natural resource conservation, in the City of Madison's Extraterritorial Jurisdiction.

Note: The subject parcel to be divided does not have an address. The address of the adjacent developed parcel is used for reference purposes only and is not part of the proposed land division.

Proposal Summary: The property to be divided, 0711-193-8430-0, encompasses approximately 16.78 acres of land located southeast of the intersection of Vilas Hope Road and Gala Way. The CSM calls for the creation of a 2.0-acre residential lot that will be approximately 305.00 feet by 307.86 feet and be located at the northwestern corner of the parcel at the intersection of Vilas Hope Road and Gala Way. It also calls for the creation of a 4.12-acre residential lot that will be approximately 761.36 feet by 307.86 feet at its widest points and will be located along Gala Way. The remaining 10.66 acres of land will be left as natural resource conservation. The proposed CSM will be recorded as soon as all regulatory approvals have been granted.

Applicable Regulations & Standards: The subdivision process is outlined in Section 16.23(5)(b) of the Subdivision Regulations. In particular, the Plan Commission shall determine that the proposed subdivision complies with each of the following criteria for approval in the extraterritorial plat approval jurisdiction:

1. The proposed subdivision or land division shall be compatible with adjacent development patterns and shall maintain the general land development pattern of the area in question. Measures of compatibility shall consider lot sizes, traffic generation, access, noise and visual features.
2. The proposed subdivision or land division and the resulting development shall not demonstrably adversely affect the City's ability to provide public services, install public improvements or accomplish future annexations. The Plan Commission may consider annexation agreements with the property owner in order to comply with this requirement. The Plan Commission may also consider whether the City and Town(s) have reached an agreement on necessary public improvements and public services facilities required to serve the development.

Review Required By: Plan Commission.

Review Schedule: The State's subdivision statute, Wis. Stats. Ch. 236, requires that action be taken on a Certified Survey Map within 90 days of submittal unless an extension is agreed to by the subdivider. If no action is taken

within 90 days and no extension granted, the CSM is deemed approved. The application was accepted for review on April 29, 2024. Therefore, the 90-day review period for this CSM will end circa July 29, 2024.

Summary Recommendation: The Planning Division believes that the Plan Commission can find the criteria met and **approve** the Certified Survey Map to divide 0711-193-8430-0 in the Town of Cottage and the City's extraterritorial plat approval jurisdiction subject to input at the public hearing and the comments and conditions from reviewing agencies beginning on page 5 of this report.

Background Information

Parcel Location: Approximately 16.78 acres of land located southeast of the intersection of Vilas Hope Road and Gala Way in the Town of Cottage Grove.

Existing Conditions and Land Use: Undeveloped agricultural land, zoned FP-1 (Farmland Preservation District). Dane County approved rezoning of the proposed Lot 1 to RR-2 (Rural Residential District, 2-acre minimum), proposed Lot 2 to RR-4 (Rural Residential District, 4-acre minimum), and proposed Lot 3 to NR-C (Natural Resource-Conservation District), contingent on approval and recording of the proposed land division.

Surrounding Land Uses and Zoning (all in the Town of Cottage Grove and subject to Dane County zoning):

North: Across Vilas Hope Road, agricultural land, zoned FP-1 (Small Lot Farmland Preservation District); agricultural land and buildings, zoned FP-35 (General Farmland Preservation District, 35-acre minimum); and

South: Single-family residences, zoned SFR-08 (Small Lot Single Family Residential District) and RR-2 (Rural Residential District, 2-acre minimum); agricultural land, zoned FP-1 District; and

West: Across Gala Way, single-family residences, zoned SFR-08 District, RR-2 District, and RR-8 (Rural Residential District, 8-acre minimum); and

East: Single-family residences, zoned RR-4 (Rural Residential District, 4-acre minimum); industrial buildings, zoned HC (Heavy Commercial District); agricultural land, zoned FP-35 District.

Environmental Corridor Status: The subject site is not located in the Central Urban Service Area, so there are no mapped environmental corridors affecting the site. However, Door Creek runs north-south approximately quarter mile from the eastern line of the subject property, with a corresponding "Resource Protection Corridor" mapped by Dane County, which affects the southern edge of the subject parcel.

Public Utilities and Services:

Water: Property is not served by municipal water

Sewer: Property is not served by public sewer

Fire Protection: Cottage Grove Fire Department

Emergency Medical Services: Deer-Grove Emergency Medical Services

Police Services: Dane County Sheriff's Department – South Precinct

School District: Monona Grove School District

Previous Approvals

On October 4, 2021, the Plan Commission approved two Certified Survey Maps (CSM) of 3784-3796 Gala Way (ID [66978](#)) and 3802-3820 Gala Way (ID [66979](#)) in the Town of Cottage Grove to enlarge the seven existing residential lots. The two land divisions were recorded as Certified Survey Map 16021 and 16022 in May 2022.

On April 11, 2022, the Plan Commission approved a Certified Survey Map (CSM) to reconfigure three parcels generally addressed as 3779 Gala Way in the Town of Cottage Grove in the City of Madison's Extraterritorial Jurisdiction. The subject site is Lot 3 of this Certified Survey Map, CSM 16023, which was recorded simultaneously with the two CSMs referenced above.

Project Description

The applicant and property owner is requesting approval of an extraterritorial Certified Survey Map (CSM) to divide 0711-193-8430-0 in the Town of Cottage Grove into two residential lots and one lot for natural resource conservation. The subject site is undeveloped and is characterized by an unconventional, multi-sided parcel configuration caused by various parcel reconfigurations by deed, Certified Survey Maps and subdivision plats recorded in this part of the Town over the last 50 years, including a CSM recorded in May 2022 that created the lot to be divided. The northern portion of the subject site has frontage along Vilas Hope Road and Gala Way, while the southern portion of the parcel is located behind (east of) a series of residential parcels that front onto Gala.

Lot 1 of the proposed CSM will be a relatively square, 2.0-acre lot located at the southeasterly corner of Vilas Hope Road and Gala Way, while Lot 2 is proposed as a 4.12-acre lot to be located south of Lot 1 near the center of the 16.78-acre site. Both Lots 1 and 2 will be developed with single-family residences. The applicant obtained development rights from elsewhere in the Town of Cottage Grove to make the proposed residential lots possible. The remaining 10.66 acres of the site will comprise proposed Lot 3, which the letter of intent indicates will be reserved for natural resource conservation.

Analysis and Conclusion

Approval of CSM by the Town of Cottage Grove and Dane County: Section 236.10 (b) of the Wisconsin State Statutes requires that subdivisions in the City's Extraterritorial Plat Approval Jurisdiction receive approval from the town of record and Dane County prior to consideration of the request by the Plan Commission.

Dane County granted conditional approval of the Certified Survey Map as outlined in a letter from Dan Everson, Land Division Review, Dane County Department of Planning and Development, dated March 27, 2024. Previously, on March 12, 2024, Dane County approved a rezoning of proposed Lot 1 from FP-1 (Farmland Preservation District) to RR-2 (Rural Residential District, 2-acre minimum), rezoned proposed Lot 2 from FP-1 to RR-4 (Rural Residential District, 4-acre minimum), and rezoned proposed Lot 3 from FP-1 to NR-C (Natural Resource-Conservation District), contingent on approval and recording of the proposed land division. The Town of Cottage Grove Board approved the rezoning and land division at its December 4, 2023 meeting.

Land Division Criteria: In order to approve a subdivision or land division in the City's extraterritorial jurisdiction, the Plan Commission shall find that the request is compatible with adjacent development patterns and shall maintain the general land development pattern of the area in question. Measures of compatibility shall consider

lot sizes, traffic generation, access, noise and visual features. The proposed subdivision or land division and the resulting development shall also not demonstrably adversely affect the City's ability to provide public services, install public improvements or accomplish future annexations.

City of Madison Land Use Plans: The subject properties as well as other properties along Gala Way are located just outside the boundaries of the City's [Yahara Hills Neighborhood Development Plan](#), which was adopted in 2017 to provide land use, utility, and transportation-related recommendations for the southern portion of Peripheral Planning Area D of the 2006 [Comprehensive Plan](#).

The 2023 [Comprehensive Plan](#) includes the subject site and surrounding properties in the Town of Cottage Grove immediately east of the City of Madison in Peripheral Planning Area A (PPA-A). PPA-A is identified as a "Potential Madison Expansion Area" and may be annexed to the City of Madison under the intergovernmental agreement established with the Town of Cottage Grove in 2022. The Town has agreed not to oppose unanimous annexation to the City within this area. The City has agreed not to annex land east of this area during the agreement. Sanitary sewer and municipal water are currently close to the northern and southern portions of PPA-A, which could serve future urban development in the City. The City will establish a detailed area plan for PPA-A in the near future, which will recommend future land uses and potential phasing of any urban development.

The above-mentioned intergovernmental agreement with the Town was approved by the Madison Common Council on April 19, 2022 by Resolution 22-00316 (ID [70631](#)). The final intergovernmental agreement was executed by the City and Town between May 11–17, 2022. The intergovernmental agreement recognizes that the present and future planning and municipal needs of the City and Town will overlap and be interdependent upon one another and that both municipalities will be better served by working with one another to achieve their desired outcomes, within clearly established future growth areas. The agreement establishes limitations upon Madison's annexation and extraterritorial authority while designating an area for potential expansion by the City in which the municipalities will have certainty regarding development activities while also providing the Town with increased certainty regarding its future boundary with Madison and opportunities to expand its tax base.

The intergovernmental agreement includes a provision that allows the division of five (5) acres or more of land in contiguous ownership (contiguous lands within the control of a single owner) that exists as of the date of the agreement to be divided to facilitate a maximum of two single-family homes. The agreement includes a provision that allows for lot clustering policy to allow the two residential lots to be contiguous to each other and the remaining acreage/parcel to be deed restricted, for the benefit of Madison, to preclude future development on the remaining acreage/parcel in the Town, which would effectively allow for three lots to be created from the five-acre or larger parcel: two residential lots and a lot for farmland preservation. The agreement stipulates that the City will only exercise its extraterritorial jurisdiction within the "Potential Madison Expansion Area" (which includes the subject site) and that additional development beyond the two-residential lot provision summarized above will generally occur in the City following annexation. Certified Survey Map 16023, which created the lot proposed to be divided with the subject land division, was recorded contemporaneously with the final execution of the intergovernmental agreement, and the City and Town have agreed to consider the subject 16.78-acre property eligible for the provision in the above paragraph regardless of the exact timing of recording of the CSM and finalization of the agreement.

The proposed land division generally complies with the requirements in the agreement for creating no more than two residential lots. To ensure that Lot 3 remains undeveloped natural resource conservation land consistent with the agreement, the Planning Division recommends that the parcel be designated as an outlot in addition to the

parcel being deed restricted against development. By definition, outlots are generally non-buildable parcels for private residential, manufacturing and commercial purposes. Designation of the southernmost proposed parcel as an outlot and execution of a deed restriction for the City's benefit should sufficiently preserve the 10.66 acres in a manner consistent with the intergovernmental agreement.

Recommendation

The Planning Division recommends that the Plan Commission find the criteria met and **approve** the Certified Survey Map to divide 0711-193-8430-0 in the Town of Cottage and the City's extraterritorial plat approval jurisdiction, subject to input at the public hearing and the following conditions:

Recommended Conditions of Approval Major/Non-Standard Conditions are Shaded

Planning Division

1. Lot 3 of the CSM shall be revised to Outlot 1 to further protect against development of the parcel in a manner inconsistent with the intergovernmental agreement between the City of Madison and Town of Cottage Grove. The outlot shall be reserved for farmland preservation and natural resource protection.
2. The subdivider shall record a deed restriction prohibiting non-farm development/ natural resource protection over proposed Lot 3/Outlot 1 of the Certified Survey Map in a form acceptable to the City of Madison Planning Division, Dane County, and Town of Cottage Grove. Modification or release of the deed restriction shall require written approval by the City's Plan Commission, its Secretary, or their designee.

City Engineering Division (Contact Brenda Stanley, (608) 261-9127)

This agency has reviewed this request and recommended no conditions of approval.

City Engineering Division – Mapping Section (Contact Jeffrey Quamme, (608) 266-4097)

3. In accordance with Chapter 236, Wisconsin Statutes, the Applicant must show the type, location and width of any and all easements on a Plat or CSM. Clearly identify the difference between existing easements (cite recording data) and easements which are being conveyed by the land division. Identify the owner and/or benefiting interest of all easements. Include any and all language required to properly and legally create any easement by this land division.
4. Add text to the 10-foot wide utility easement along the westerly side of this CSM that it is as granted by CSM No 16023, Document No 5836731.
5. Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) tie sheets must be filed with the Dane County Surveyor's office. The Developer's Surveyor and/or Applicant must submit copies of required tie sheets or condition reports for all monuments, including center of sections of record, used in this survey, to Jeff Quamme (jrquamme@cityofmadison.com), City Engineering.
6. The surveyor shall reference City of Madison WCCS Dane Zone, Coordinates on all PLS corners on the plat or Certified Survey Map in areas where this control exists. The surveyor shall identify any deviation from City Master Control with recorded and measured designations. Visit the Dane County Surveyor's Office for current tie sheets and control data that has been provided by the City of Madison.

7. Prior to Engineering final sign-off by main office for Certified Survey Maps (CSM), the CSM shall be submitted in PDF format by email transmittal to Engineering Land Records Coordinator Julius Smith, City Engineering (jsmith4@cityofmadison.com), for final technical review and approval. This submittal must occur a minimum of two working days prior to final City Engineering Division sign-off.
8. Remove the Resolutions 1370685, 1450903, 1994443 and 2267778 from note 4. Extraterritorial reviews are set per statutes and are subject to the changing municipal limits of the City of Madison.
9. Provide measured widths to the North line of the SE1/4 of the NW 1/4 at the northwest and northeast corners of Lot 1 of this proposed CSM.
10. Modify the dimension of either Lot 2 or 3 to get the total of 361.65 for line L14
11. The applicant shall submit to Jeffrey Quamme, prior to final Engineering sign-off of the subject CSM, one (1) digital CADD drawing in a format compatible with AutoCAD. The digital CADD file(s) shall be referenced to the Dane County Coordinate System and shall contain, at minimum, the list of items stated below, each on a separate layer/level name. The line work shall be void of gaps and overlaps and match the final recorded CSM: right of way lines (public and private); lot lines; lot numbers; lot/plat dimensions; street names, and; easement lines (including wetland and floodplain boundaries).

*This transmittal is a separate requirement than the required submittals to Engineering Streets Section for design purposes. The Developer/Surveyor shall submit new updated final plat, electronic data and a written notification to Engineering Mapping for any changes to the plat that occur subsequent to any submittal.

Traffic Engineering Division (Contact Sean Malloy (608) 266-5987)

This agency has reviewed this request and recommended no conditions of approval.

Zoning Administrator (Contact Jenny Kirchgatter, (608) 266-4429)

This agency has reviewed this request and recommended no conditions of approval.

Fire Department (Contact Bill Sullivan, (608) 261-9658)

This agency has reviewed this request and recommended no conditions of approval.

Water Utility (Contact Jeff Belshaw (608) 261-9835)

12. Note: The subject parcels are located beyond Madison Water Utility's existing service area. Note that future annexation to the City may require connection to the City water system, if/when water service becomes available per MGO Section 13.07.

Office of Real Estate Services (Contact Jenny Frese, (608) 267-8719)

13. Prior to approval sign-off by the Office of Real Estate Services ("ORES"), the Owner's Certificate(s) on the CSM shall be executed by all parties of interest having the legal authority to do so, pursuant to Wis. Stats. 236.21(2)(a). Said parties shall provide documentation of legal signing authority to the notary or

authentication attorney at the time of execution. The title of each certificate shall be consistent with the ownership interest(s) reported in the most recent title report. When possible, the executed original hard stock recordable CSM shall be presented at the time of ORES approval sign-off. If not, the City and the Register of Deeds are now accepting electronic signatures. A PDF of the CSM containing electronic signatures shall be provided to ORES to obtain approval sign-off.

14. Prior to CSM approval sign-off, an executed and notarized or authenticated certificate of consent for all mortgagees/vendors shall be included following the Owner's Certificate(s).
15. If a mortgage or other financial instrument is reported in record title, but has been satisfied or no longer encumbers the lands or ownership within the CSM boundary, a copy of a recorded satisfaction or release document for said instrument shall be provided prior to CSM approval sign-off.
16. All ownership consents and certifications for the subject lands shall conform to Wis. Stats. 236.21(2) and 236.29 by including the language "...surveyed, divided, mapped and dedicated..."
17. If any portion of the lands within the CSM boundary are subject to an Option to Purchase or other Option interest please include a Certificate of Consent for the option holder and have it executed prior to CSM sign-off, if said ownership interest meets the criteria set forth by Wis. Stat. Sec. 236.34 and Sec. 236.21(2)(a).
18. A Consent of Lessee certificate shall be included on the CSM for all tenant interests in excess of one year, recorded or unrecorded, and executed prior to CSM sign-off.
19. All real estate taxes and special assessments shall be paid in full prior to final approval of the CSM for recording.
20. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish an updated title report the Office of Real Estate Services as well as the survey firm preparing the proposed CSM. The report shall search the period subsequent to the date of the initial title report submitted with the CSM application and include all associated documents that have been recorded since the initial title report. A title commitment may be provided, but will be considered only as supplementary information to the title report update. The surveyor shall update the CSM with the most recent information reported in the title update. Staff reserves the right to impose additional conditions of approval in the event the title update contains changes that warrant revisions to the CSM.