



PREPARED FOR THE PLAN COMMISSION

Project Address: 3895 and 3897 Vilas Hope Road
Application Type: Certified Survey Map (CSM) in the Extraterritorial Jurisdiction
Legistar File ID # [87880](#)
Prepared By: Kevin Firchow, AICP, Principal Planner, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicant & Property Owner: Randall & Maureen Gaber; 3895 Vilas Hope Road; Cottage Grove, WI 53527

Surveyor: Chris Adams, Williamson Surveying | 104A W. Main Street; Waunakee, WI 53597

Requested Action: The applicant requests approval of a two-lot Certified Survey Map (CSM) within the City's Extraterritorial Plat jurisdiction.

Proposal Summary: The applicant proposes a revised Certified Survey Map (CSM) to reconfigure two existing lots within the City's Extraterritorial Plat jurisdiction.

Applicable Regulations & Standards: The subdivision process is outlined in Section 16.23(3)(c) 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 7, 2025. Therefore, the 90-day review period for this CSM will end circa July 7, 2025.

Summary Recommendation: The Planning Division believes that the Plan Commission can find the criteria met and **approve** the Certified Survey Map to reconfigure two existing lots located at 3895 and 3897 Vilas Hope Road in the Town of Cottage Grove 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 4** of this report.

Background Information

Existing Conditions and Land Use: The subject parcel includes two parcels, totaling 37.11 acres of land within the Town of Cottage Grove. The larger property is 34.15 acres in area, zoned FP-35 (Farmland Preservation), and listed as being an agricultural use. The smaller property is 2.96 acres and zoned RR-Rural Residential Development and includes a residence.

Surrounding Land Use and Zoning: Most of the surrounding properties are agricultural and/or undeveloped in nature. Properties to the east and west are zoned FP-35 (Farmland Preservation), with the abutting property to the north zoned AT-35 Rural Mixed-Use and Transitional district. To the south, on the opposite side of Vilas Hope Road, are some smaller properties with SFR-08 (Single Family), SFR-01 (Single Family), and Rural Residential zoning.

Environmental Corridor Status: The subject site is not located in the Central Urban Service Area. As such, there are no mapped environmental corridors affecting the site.

Public Utilities and Services:

Water: Property is not served by municipal water
Sewer: Property is not served by municipal sewer
Fire protection: Cottage Grove Fire Department
Emergency medical services: Deer-Grove EMS
Police services: Dane County Sheriff's Department
School District: Monona Grove School District

Previous Approvals

On January 24, 2011, the Plan Commission approved a four-lot Certified Survey Map within the City's Extraterritorial Review Jurisdiction at 3897 Vilas Hope Road (City Legislative File [20951](#)). Note, as part of that action the Plan Commission revised its original approval conditions from its first approval on January 10, 2024. As part of the current request, the applicant proposes to adjust the lot lines between Lots 1 and 3 of the original CSM approval. (Note, the historic/existing Lot 3 is now Lot 2 in the current application.)

Project Description

The applicants and property owners, Randall and Maureen Gaber, are requesting approval of an extraterritorial Certified Survey Map (CSM) to adjust the lot lines between two existing properties (Lots 1 and 3 of Certified Survey Map 13065). Existing Lot 1 is developed with a single-family residence, while existing Lot 3 is largely unimproved with the exception of a handful of accessory buildings located along the eastern property line. As noted in the letter of intent, the changes realign the property lines to place the residential driveway on one property where it currently crosses both properties. An accessory building will also be relocated onto the residential lot as a result of the lot reconfiguration.

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. The Town granted approval of the proposed CSM on January 6, 2025, with the County granting approval on January 13, 2025. A corresponding rezoning to amend the boundaries of the RR-2 (Rural Residential District) to reflect the boundaries of proposed Lot 2 and to rezone proposed Lot 1 from FP-35 (Farmland Preservation District–35 Acre Minimum) to FP-1 (Farmland Preservation District–1 Acre Minimum) was approved by the Dane County Board on December, 17, 2024.

City of Madison Land Use Plans: The subject parcels as well as other properties on both sides of Vilas Hope Road west of Door Creek 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 east of the Yahara Hills planning area 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 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.

The intergovernmental agreement defines "develop" and "development" as "the division of land, declaration of a condominium, construction of more than one principal structure on a parcel, or rezoning a parcel from a residential or agricultural classification to a non-residential classification." The agreement includes an exception 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.

Staff does not believe that the proposed reconfiguration of the two previously created lots constitutes development as defined in the intergovernmental agreement and does not specifically qualify for the above exception in the agreement and is instead being reviewed the proposed CSM as a lot line adjustment by the common owner of the two lots.

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.

Staff does not believe that the ability for future annexations to occur or services to be extended to support urban development in this area will be negatively impacted by the proposed lot reconfiguration and may be viewed as an improvement over the existing condition created with the 2011 approval. Staff also believes that the Plan Commission can find that the creation of the proposed lot is compatible with the development pattern along this section of Vilas Hope Road in the Town of Cottage Grove, which features a variety of differently sized parcels mostly developed with single-family residences interspersed among the otherwise large agricultural tracts prevalent through the area.

Recommendation

The Planning Division recommends that the Plan Commission find the criteria met and **approve** the Certified Survey Map to reconfigure two existing lots located at 3895 and 3897 Vilas Hope Road in the Town of Cottage Grove and the City's extraterritorial plat approval jurisdiction, subject to input at the public hearing and the comments and conditions from reviewing agencies beginning and the following conditions:

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

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)

1. Add and reference the note from CSM 13065 for Lot 1 that permitted less than 33 feet of frontage of the Lot on the north - south section of Vilas Hope Road.
2. Add a note that lands within this Certified Survey Map are subject to Deed Restrictions per Document No. 4750672.

3. Add a note that lands within this Certified Survey Map are subject to Declaration of Restrictive Covenant per Document No. 4750673.
4. Remove note 1 on sheet 3; title has been provided. The notes on sheet 2 are a continuation of those on lot 1, numbering shall reflect that.
5. Prior to Engineering final sign-off by main office for Plats or Certified Survey Maps (CSM), the final Plat or CSM in pdf format must be submitted by email transmittal to Engineering Land Records Coordinator Jeff Quamme (jrquamme@cityofmadison.com) for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off.
6. Add compliance with the City of Madison Subdivision ordinance for compliance in the Surveyor's Certificate.
7. Submit to Jeff Quamme, prior to Engineering sign-off of the subject plat, 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, preferably closed polylines for lot lines, shall be void of gaps and overlaps and match the final recorded plat:
 - a) Right-of-Way lines (public and private)
 - b) Lot lines
 - c) Lot numbers
 - d) Lot/Plat dimensions
 - e) Street names
 - f) Easement lines (i.e. all shown on the plat including wetland & floodplain boundaries.)

NOTE: This Transmittal is a separate requirement from the required Engineering Streets Section for design purposes. The Developer/Surveyor shall submit new updated final plat, electronic data for any changes 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.

Parking Division (Contact Trent W. Schultz (608) 246-5806)

The agency reviewed this project and has 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 Matt Hamilton, (608) 266-4457)

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

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

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

Office of Real Estate Services (Contact Trent Miliken, (608) 266-5940)

9. Correct owner name to Randall J. Gaber. 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.
10. 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.
11. 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).
12. 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.
13. 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...
14. 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).
15. 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.
16. As of April 17, 2025, the 2024 real estate taxes and special assessments are paid for the subject property.
17. Pursuant to Madison City Ordinance Section 16.23(4)(c)(1), the owner shall furnish an updated title report to ORES via email to Trent Milliken (tmilliken@cityofmadison.com), 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 (3/16/2025) 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. Surveyor shall update the CSM with the most recent information reported in the title update. ORES reserves the right to impose additional conditions of approval in the event the title update contains changes that warrant revisions to the CSM.

18. The owner shall email the document number of the recorded CSM to ORES via email to Trent Milliken (tmilliken@cityofmadison.com) when the recording information is available.
19. Include a note on sheet 3 of the CSM describing restrictions and covenants per Document Nos. 4750672, 4750673, and 4915569.
20. Label and depict underlying lots from CSM 13065.
21. For properties not connected to municipal utility services, consider whether or not well abandonment ref. NR 141 needs to be addressed.
22. If all parties of interest agree that certain easements from prior plats or CSM's of record are no longer necessary, the release documents for said easements shall be recorded prior to CSM approval sign-off, with the recording information for the release included as a Note on the proposed CSM.