



PREPARED FOR THE PLAN COMMISSION

Project Address: Adjacent to 2876 Siggelkow Road, Town of Cottage Grove
Application Type: Certified Survey Map (CSM) in the Extraterritorial Jurisdiction
Legistar File ID # [75401](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicant & Property Owner: Don Viney, Viney Acres, LLC; 2093 US Highways 12 and 18; Cottage Grove.

Surveyor: Mark Pynnonen, Birrenkott Surveying, Inc.; 1677 N Bristol Street; Sun Prairie.

Requested Action: Approval of a Certified Survey Map (CSM) to divide 0711-311-8000-1 in the Town of Cottage Grove (adjacent to 2862 Siggelkow Road) in the Town of Cottage Grove into one residential lot and lot for farmland preservation, 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 used for reference purposes only and is not part of the proposed land division.

Proposal Summary: The property to be divided, 0711-311-8010-0, encompasses approximately 32.6 acres of land located on the west side of Siggelkow Road approximately 1,050 feet west of its intersection with US Highways 12 and 18. The CSM calls for the creation of a 2.5-acre residential lot that will be approximately 237.15 feet by 507.35 feet and be located at the southeastern corner of the parcel at the curve of Siggelkow Road. The remaining land will be left as farmland preservation. 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 January 3, 2023. Therefore, the 90-day review period for this CSM will end circa April 3, 2023.

Summary Recommendation: The Planning Division believes that the Plan Commission can find the approval criteria met and **approve** this Certified Survey Map 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 32.6 acres of land located on the west and north sides of Siggelkow Road, roughly 1,050 feet east of its intersection with US Highways 12 & 18 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 to RR-2 (Rural Residential District, 2-acre minimum) 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: Nelson’s Bus Service, zoned HC (Heavy Commercial District); US Highways 12 and 18;

South: Agricultural land and building, zoned RM-16 (Rural Mixed-Use District) and single-family residence, zoned RR-2 (Rural Residential District, 2-acre minimum) across Siggelkow Road;

West: Single-family residences, zoned SFR-1 (Single-Family Residential District) and RR-4 (Rural Residential District, 4-acre minimum); agricultural land, zoned AT-35 (Agricultural Transition District);

East: Single-family residential lot adjacent to northeastern corner of subject site, zoned RR-4; agricultural land across Siggelkow Road, zoned FP-35 (General Farmland Preservation District, 35-acre minimum).

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 across Siggelkow Road from the eastern line of the subject property, with a corresponding “Resource Protection Corridor” mapped by Dane County, which affects the adjacent parcels east 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 EMS.

Police services: Dane County Sheriff’s Department (South East Precinct).

School District: Monona Grove School District.

Previous Approval

On February 21, 2022, the Plan Commission approved a CSM in the City of Madison’s Extraterritorial Jurisdiction to divide 0711-311-8000-1 (adjacent to 2862 Siggelkow Road) in the Town of Cottage Grove into one residential lot and lot for farmland preservation.

Project Description

The applicant and property owner is requesting approval of an extraterritorial Certified Survey Map (CSM) to create an approximately 2.5-acre residential lot in the southeastern corner of an undeveloped 32.6-acre agricultural parcel (PIN: 0711-311-8010-0) located on the west and north sides of Siggelkow Road, roughly 1,050 feet east of its intersection with US Highways 12 & 18 in the Town of Cottage Grove. The residential lot (Lot 2 of the proposed CSM) will be approximately 234 feet by 507.35 feet, with the remaining approximately 30 acres of the property to comprise Lot 1.

Note: Dane County's addressing convention does not assign addresses to most undeveloped/vacant parcels. Because the site is undeveloped agricultural land, the subject parcel does not have an address. City staff used the recently created residential parcel at 2876 Siggelkow Road adjacent to the now-northeastern corner of the subject parcel for reference purposes only. The 2876 parcel is not part of the current request.

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 December 12, 2022. Previously, on October 6, 2022, Dane County approved a rezoning of proposed Lot 2 from FP-1 (Farmland Preservation, Small Lot District) to the RR-2 (Rural Residential District, 2-Acre Minimum). The FP-1 zoning district is a predominantly agriculture-focused zoning district that does not allow residential uses; the FP-1 designation applies to farmland parcels between 1 and 35 acres in area. Conditions of the rezoning approval required that a "notice document" be recorded on the proposed RR-2 lot indicating that it was created as the result of transfer of development rights, and that a deed restriction be placed on the 30-acre parcel to prohibit residential development due to the housing density rights having been exhausted per the Town of Cottage Grove's density policies. A "sending" parcel located elsewhere in the Town of Cottage Grove will also be deed restricted against non-farm development consistent with the Town's policies allowing the transfer of development rights.

The Town of Cottage Grove Board approved the rezoning for the proposed land division at its September 6, 2022 meeting.

The Town and County approvals required that the final Certified Survey Map include dedication of additional land at the curve of Siggelkow Road at a 45-degree angle as determined by the Town to allow for future smoothing of the curve.

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 property is located on the easternmost edge of the City’s 2017 [Yahara Hills Neighborhood Development Plan](#), which recommends the subject property and surrounding lands to the south and west for Agriculture/Rural and Other Open Space and Stormwater Management uses. The site and surrounding properties are located in Phase D of the phasing plan for implementation of the neighborhood development plan. Urban services are not generally available to these areas and are not expected for the foreseeable future. Additional non-farmland divisions and non-farm commercial and industrial development are generally not recommended in the Agriculture/Rural district, with the net density recommended for new development in this district is one dwelling unit per 35 acres.

On April 19, 2022, the Madison Common Council adopted Resolution 22-00316 (ID [70631](#)) authorizing the City to enter into an intergovernmental agreement with the Town of Cottage Grove. 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.

The Planning Division does not object to the proposed second division of the Viney Acres property in as many years to create a second residential lot. Taken together, staff feels that the two land divisions are consistent with the provisions in the City’s intergovernmental agreement with the Town that allows the division of five-acre or larger parcels into a maximum of two residential lots while preserving any remaining land as farmland. As noted earlier in this report, the Town and Dane County have conditioned the land division and related rezoning on restricting the resulting lots against further development consistent with the Town’s development policies; the City of Madison requests to be added as a benefitting party to the agreements related to the subject parcels on Siggelkow Road.

Recommendation

The Planning Division recommends that the Plan Commission find the approval criteria met and **approve** the two-lot Certified Survey Map of PIN 0711-311-8010-0 located adjacent to 2876 Siggelkow Road, Town of Cottage

Grove, in 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. The subdivider shall record a deed restriction prohibiting non-farm development over proposed Lot 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 Julius Smith, (608) 264-9276)

2. Provide 60-year title report per CSM application requirements. Some support documents were provided; however no actual report was provided. Edits for additional new documents found from the title report may have to be made, if any.
3. A note shall be added under all of the street names labeled and to be dedicated on the CSM, "Dedicated to the Public" as required by ss 236.20(4)(b); the current note is missing "quotes".
4. 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.
5. 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.
6. Show right-of-way widths of Siggelkow Road at all points of change per ss 236.20(2)(f): at northeast corner of the section, easterly line of Lot 1, and both ends of new dedication.
7. Confirm sheet numbering; as presented, it goes 1, 3, 2.
8. The applicant shall submit to Julius Smith, 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)

9. 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 Melissa Hermann, mhermann@cityofmadison.com)

10. 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.
11. Prior to CSM approval sign-off, an executed and notarized or authenticated certificate of consent for all mortgages/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. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish an updated title report to Melissa Hermann (mhermann@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 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.
17. The owner shall email the document number of the recorded CSM to Melissa Hermann in the City's Office of Real Estate Services as soon as the recording information is available.
18. The following revisions shall be made to the CSM prior to final approval and recording:
 - a) Depict, name, and identify by document number all existing easements cited in record title and the updated title report.
 - b) Include a complete and accurate legal description of the lands that are to be included in the proposed CSM. The legal description shall be reconciled with the legal description of said lands in record title.
 - c) Depict and dimension all existing improvements including, but not limited to: buildings, drives, parking lots, encroachments, wells, septic systems, etc. located within the CSM boundary.
 - d) For properties not connected to municipal utility services, consider whether or not well abandonment ref. NR-141 needs to be addressed.
 - e) Depict and dimension public easements for utilities and storm water drainage rights-of-way to be dedicated on the proposed CSM where necessary.
 - f) If all parties of interest agree that certain easements from prior plats or CSMs 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.
 - g) Liens or judgments levied against the lands within the CSM boundary shall be satisfied, with proof of satisfaction provided prior to CSM approval sign-off.
 - h) Create notes that define the purpose of and the ownership of (whether public or private) all outlots. The note for an outlot dedicated to the public shall say: "Dedicated to the public for _____ purposes."