

## PREPARED FOR THE PLAN COMMISSION



**Project Address:** 6059 Portage Road, Town of Burke  
**Application Type:** Certified Survey Map (CSM) in the Extraterritorial Jurisdiction  
**Legistar File ID #** [87656](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted

## Summary

**Applicants & Property Owners:** Ben and Joleen August; 6059 Portage Road; DeForest.

**Surveyor:** Bryan Stueck, Birrenkott Surveying, Inc.; 1677 N Bristol Street; Sun Prairie.

**Requested Action:** Approval of a Certified Survey Map (CSM) to create three lots from two parcels generally located at 6059 Portage Road, Town of Burke, in the City of Madison's Extraterritorial Jurisdiction.

**Proposal Summary:** The applicant proposes to create three single-family lots from two parcels that total approximately 5.1 acres of land. The 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(4) 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. A completed application was accepted for review by the City on March 17, 2025. Therefore, the 90-day review period for this CSM will end circa June 16, 2025.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission 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 4** of this report.

## Background Information

**Parcel Location:** Approximately 5.1 acres located on the west side of Portage Road, a half-mile north of Anderson Road and 500 feet north of the intersection of Sommer Valley Circle and Portage Road.

**Existing Conditions and Land Use:** The subject site is developed with a two-story single-family residence, barn, and various accessory buildings located on the southerly third of the triangularly shaped property. The site was recently rezoned to RR-1 (Rural Residential District) by Dane County subject to the approval and recording of the proposed CSM.

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

North: Single-family residences and agricultural land along the west side of Portage Road, zoned SFR-08 (Single-Family Residential District) and RR-4 and RR-8 (Rural Residential Districts);

West: Single-family residences generally located along Sommer Valley Circle, zoned RR-1, RR-2, and RR-4 (Rural Residential Districts);

East: Single-family residences and agricultural land across Portage Road, zoned RR-4 and RM-16 (Rural Mixed-Use District).

**Environmental Corridor Status:** The subject site is not located in the Central Urban Service Area; there are no mapped environmental corridors affecting the site. There are no “Resource Protection Corridors” mapped by Dane County on the subject parcels.

**Public Utilities and Services:**

Water: Property is not served by municipal water.

Sewer: Property is not served by public sewer.

Fire protection: City of Madison Fire Department.

Emergency medical services: City of Madison Fire Department.

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

School District: DeForest Area School District.

## Project Description

The applicants and property owners, Ben and Joleen August, are requesting approval of a Certified Survey Map (CSM) in the Town of Burke to divide two parcels totaling 5.1 acres into three lots to be developed with single-family residences.

The subject site is a triangularly shaped property located on the west side of Portage Road approximately a half mile north of Anderson Road. The subject property is located on the edge of a small enclave of single-family lots generally located east of Token Creek County Park along and west of Portage Road. The site contains approximately 584 feet of frontage along Portage Road and is developed with a single-family residence, barn, and assorted accessory buildings on the southern third of the property; the remaining land is undeveloped.

The CSM proposes to divide the property into three roughly equal lots of approximately 1.5 acres each. The existing residence and accessory buildings will occupy proposed Lot 1. New residences are planned for Lots 2 and

3. (Some of the stated 5.1-acre land area is within the right of way of Portage Road; 40 feet of right of way will be dedicated to the public with the proposed CSM. The resulting lot areas reflect the post-dedication condition.)

**Approval of CSM by the Town of Burke and Dane County:** Section 236.10(1)(b) of Wisconsin Statutes requires that subdivisions in the City's Extraterritorial Plat Approval Jurisdiction receive approval from the town of record and 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 February 11, 2025. To facilitate the proposed land division, the subject site was rezoned to the RR-1 (Rural Residential) zoning district by the Dane County Board on November 19, 2024.

The Town of Burke approved the zoning change and proposed land division on December 18, 2024.

## Analysis and Conclusion

**City of Madison Land Use Plans:** The property is located within the boundaries of the [Pumpkin Hollow Neighborhood Development Plan](#), which was adopted by the City of Madison Common Council on March 18, 2008 to guide development of the existing and future City of Madison generally bounded by Interstate 39/90/94 to the west, State Trunk Highway 19 on the north, Rattman Road and City's future boundary with the City of Sun Prairie on the east, and The American Center on the south. The plan includes land use, utility, transportation, park and open space, and development phasing recommendations for the 2,192-acre planning area.

The neighborhood development plan recommends that the subject site and nearby properties on both sides of Portage Road be developed in Residential Housing Mix (HM) 1. In general, HM1 is recommended to be primarily developed with single-family detached housing on individual lots, with a range of house types and lot sizes recommended. In addition to single-family housing, limited areas recommended for HM1 may also be developed with rowhouses, townhomes and duplexes. Densities in HM1 generally should not exceed eight (8) units an acre. The neighborhood development plan encourages the creation of additional local streets west of Portage Road to facilitate the HM1 development pattern, including a second east-west street to connect the residential enclave of Sommer Valley Circle to Portage Road, and a street paralleling Portage Road to serve future lots between the road and Token Creek County Park.

**Town of Burke Cooperative Plan:** The proposed division of the subject site in the Town of Burke requires Plan Commission approval as both a land division in the City's extraterritorial jurisdiction, and as "development" as defined in the 2007 *Town of Burke, Village of Deforest, City of Sun Prairie and City of Madison Cooperative Plan*. Under the cooperative plan, the terms "develop" or "development" refer to the division of land, or construction of more than one principal structure on a parcel of land, or rezoning a parcel from a residential or agricultural classification to a non-residential classification. The cooperative plan includes an exception that allows for the one-time division of a five-acre or larger parcel into **two** lots for the purposes of constructing a single-family residence on each parcel without being considered development and without the approval of, in this case, the City of Madison. A stipulation in the cooperative plan requires that properties that qualify for this land division exemption had to exist as of March 1, 2006.

The subject site is not located within a Protected Area as defined by the cooperative plan. Pursuant to the terms of the cooperative plan, the development of lands outside of the Protected Areas identified in the plan may

require the development to provide a full range of urban services, including public water and sewer service, and to attach to the City of Madison, in the sole discretion of the City. In the case of the proposed land division, City water and sewer service are not currently proximate to the site or surrounding area, and the nearest properties in the City are located approximately a half mile to the south at Anderson Road. As a result, City staff does not recommend that the property be attached to the City as a condition of this CSM approval.

**Land Division Criteria:** Any subdivision or land division in the extraterritorial jurisdiction 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. Also, 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.

In reviewing the proposed land division, the Planning Division believes that the Plan Commission may find the standards and criteria for approval are met to allow the proposed three-lot land division.

The area immediately surrounding the subject site is largely developed with a number of single-family lots on both sides of Portage Road, including the enclave of single-family lots located along Sommer Valley Circle adjacent to Token Creek County Park and just west of Portage Road and the subject site. A number of the lots surrounding the site have been created using the exception noted above in the *Town of Burke* cooperative plan that allows the one-time division of a five-acre or larger parcel into two lots for the purpose of constructing single-family homes on each lot. The applicants have chosen to pursue the creation of one more lot than allowed by-right by the exception in the cooperative plan. However, the three proposed lots will be of a character very similar to those nearby created by the exception, and the Planning Division does not believe that the development pattern created by the additional lot proposed will be demonstrably different than the pattern that would result if the subject site was divided into two lots using the exception. Staff also does not believe that the proposed land division will negatively affect implementation of the recommendations of the Pumpkin Hollow Neighborhood Development Plan.

Finally, staff also believes that the proposed three-lot land division will not impact the City's ability to provide public services, install public improvements or accomplish future attachments (annexations) between now and the final attachment of the Town of Burke to Madison, DeForest, and Sun Prairie on October 27, 2036 as stipulated by the cooperative plan.

## Recommendation

The Planning Division recommends that the Plan Commission find the approval criteria met and **approve** the three-lot Certified Survey Map of 6059 Portage Road, Town of Burke, 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

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

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

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

1. There is a right of way grant to Wisconsin Telephone Co. over the southerly 40 feet of Lot 1 (triangular area) per Document No. 1757564. Show and label on the CSM.
2. Title per the deed includes lands northwest centerline of Portage Road within the NW 1/4 of the NW 1/4 of Section 10-8-10. The exterior boundary shall be corrected accordingly to include the triangular area at the south end of this CSM to where the centerline and section line meet. This will include additional lands to be dedicated for Portage Road. Modify the legal description accordingly.
3. A note shall be added that Lot 1 is subject to a Private Sewage System Maintenance Agreement per Document No. 2087111 for the septic system serving the existing home on Lot 1.
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 monument condition reports for all monuments, including center of sections of record used in this survey, to Jeff Quamme, City Engineering (jrquamme@cityofmadison.com ).
5. The map shall reference City of Madison WCCS Dane Zone, 1997 Coordinates on all PLS corners on the Certified Survey Map in areas where this control exists. The surveyor shall show coordinates with recorded and measured designations. Visit the Dane County Surveyor's Office website for current tie sheets and control data that has been provided by the City of Madison.
6. Prior to City Engineering final sign-off by main office for Certified Survey Maps (CSM), the final CSM must be submitted to Engineering Division Surveyor/ Land Records Coordinator for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off. E-mail submittal of the **final** CSM in PDF form is preferred. Please transmit to Jeff Quamme (jrquamme@cityofmadison.com).
7. The west boundary of this CSM would require locating the West Quarter Corner of Section 10. Show the monument found, coordinates and a tie to the corner from the CSM.
8. Show a recorded-as distance for the 445.61 dimension along the north line of Section 10 of 432.96 feet (6.56 chains). Show a recorded as distance of 477.84 (7.24 ch) feet along the north boundary of the CSM. Show recorded as information along the western boundary referenced to adjacent CSM.
9. Provide explanation for the non-tangent curve for Portage Road.
10. Add text to the Surveyor's certificate that the map was also prepared in conformance with the City of Madison Subdivision Ordinance.
11. Under the Certified Survey Map heading on all sheets include the location of the land by quarter-quarter section, section, township, range and county noted as required by statute.
12. The applicant shall submit to Jeff 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 which occur subsequent to any submittal.

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

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

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

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

**Fire Department** (Contact Matt Hamilton, (608) 266-4457)

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

**Metro Transit** (Contact Tim Sobota, (608) 261-4289)

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

**Parks Division** (Contact Kathleen Kane, (608) 261-9671)

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

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

13. 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 Section 13.07.

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

14. This agency reviewed this request and has recommended no conditions of approval. A Transportation Demand Management (TDM) Plan may be required as part of future development, per MGO Section 16.03.

**Office of Real Estate Services** (Trent Milliken, (608) 266-5940)

15. 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.

16. 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). 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.
17. As of April 9, 2025, the 2024 real estate taxes are paid for the subject property. Per 236.21(3) Wis. Stats. and MGO 16.23(4)(f), the property owner shall pay all real estate taxes that are accrued or delinquent for the subject property prior to CSM recording.
18. As of April 9, 2025, there are no special assessments reported. All known special assessments are due and payable prior to CSM approval sign-off. If special assessments are levied against the property during the review period and prior to CSM approval sign-off, they shall be paid in full pursuant to MGO Section 16.23.
19. Pursuant to MGO Section 16.23(4)(f), the owner shall furnish an updated title report 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 initial title report submitted with the CSM application and include all associated documents that have been recorded since the initial title report.
20. The owner shall email the document number of the recorded CSM to Trent Milliken at the City's Office of Real Estate Services at tmilliken@cityofmadison.com as soon as the recording information is available.
21. Depict and dimension Wisconsin Telephone Company easement per Document No. 1757564.
22. Include Private Sewage System Maintenance Agreement per Document No. 2087111 in the notes section on sheet 3.
23. 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.
24. 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.