



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 3427 Bailey Road, Town of Sun Prairie  
**Application Type:** Certified Survey Map (CSM) in the Extraterritorial Jurisdiction  
**Legistar File ID #** [43795](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted

**Summary**

**Applicant & Property Owner:** Calvin Martin, Gilbert and Dorothy Martin Living Trust; 2847 Hanway Avenue; Casper, Wyoming.

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

**Requested Action:** Approval of a Certified Survey Map (CSM) to create one residential lot from land addressed as 3427 Bailey Road, Town of Sun Prairie, in the City of Madison’s Extraterritorial Jurisdiction.

**Proposal Summary:** The proposed CSM creates a 3.0-acre residential lot containing a house, garage and two barns from an approximately 112-acre farm. The applicant wishes to record the CSM 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. 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 City accepted the CSM application for review on July 13, 2016. Therefore, the 90-day review period for this CSM will end circa October 13, 2016.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission **approve** this Certified Survey Map subject to input at the public hearing and the comments and conditions from reviewing agencies beginning on page 3 of this report.

## Background Information

**Parcel Location:** The Gilbert and Dorothy Martin Living Trust owns approximately 112 acres of contiguous farmland generally located along the east side of Bailey Road and south side of Burke Road, with approximately 800 feet of frontage along CTH T in the Town of Sun Prairie. An additional 29 acres of farmland located across Bailey Road are also owned by the Trust. The subject property is located in the Sun Prairie Area School District.

**Existing Conditions and Land Use:** Most of the 112 acres are in active tillage with the exception of a house, detached garage, and two barns located along the Bailey Road frontage. The entire site is zoned County A-1EX (Exclusive Agriculture District).

**Surrounding Land Uses:** Properties surrounding the subject site are predominantly agricultural in character with the exception of a scattering of single-family residences located on variety of differently shaped and sized town lots located in County Agriculture, Residence, and Rural Homes zoning districts along the frontages of Bailey Road and CTH T.

**Environmental Corridor Status:** The subject site is not located in the Central Urban Service Area and there are no mapped environmental corridors.

### Public Utilities and Services:

Water: Property is not served by municipal water

Sewer: Property is not served by public sewer

Fire protection: Town of Sun Prairie Fire Department

Emergency medical services: Marshall Emergency Medical Services

Police services: Dane County Sheriff's Department

School District: Sun Prairie Area School District.

## Project Description

The applicant is requesting approval of a Certified Survey Map (CSM) to create an approximately 3.0-acre lot from approximately 112 acres of contiguous farmland that extends along the east side of Bailey Road and south side of Burke Road in the Town of Sun Prairie. Approximately 800 feet of the farm also fronts onto the west side of CTH T. An additional 29 acres of farmland are also owned by the applicant but are located across Bailey Road from the 112 acres from which the proposed lot will be created. Most of the 112 acres are in active tillage, with the exception of a two-story house, detached two-car garage, and two barns located along the Bailey Road frontage approximately midway between Burke Road and CTH T. The proposed residential lot will contain these buildings, which are accessed from a gravel driveway from Bailey Road.

The remaining land will continue to be used as farmland following creation of the proposed lot. The Subdivision Regulations allow the remaining land to not be shown as part of the CSM because the remnant exceeds 40 acres. A scaled drawing from record information has been provided with the CSM to depict the remnant property as required in lieu of it being part of the land division.

## Analysis and Conclusion

**Approval of CSM by the Town of Sun Prairie 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 July 7, 2016. The Town of Sun Prairie Board approved the CSM on July 25, 2016. Dane County previously approved a rezoning of the proposed lot from A-1EX to A-2(2) on June 2, 2016 (see attached correspondence). County A-2(2) zoning allows single-family residences on lots that are a minimum of 2 acres in area; the rest of the applicant’s property will remain zoned A-1EX.

**City of Madison Land Use Plan:** The subject site is located within Peripheral Planning Area E as defined in the 2006 Comprehensive Plan. Planning Area E is a “Group 2” planning area with potential for eventual urban expansion and more intensive development in the future as an extension of the urban development anticipated in most of the Northeast Planning Area. Based on current trends, it is unlikely that significant development would begin within Planning Area E for at least 20 years and perhaps longer. The Comprehensive Plan also recognizes the presence of prime farmland in Planning Area E and recommends that continued food production activities be incorporated into future neighborhood development plans that will be developed to guide growth in this area.

The Planning Division generally believes that the Plan Commission can find the approval criteria met with the proposed land division. Staff does not believe that the proposed 3.0-acre lot would be incompatible with the development pattern present in this area, which as noted earlier in this report, predominantly consists of large agricultural tracts with a variety of single-family home sites of varying size and shape scattered primarily along Bailey Road at Burke Road, and along CTH T. The proposed lot is similar in character to two 1.2-acre lots located adjacent to the proposed lot that were created from the applicant’s farm in 1994 when the property was in the City of Sun Prairie’s extraterritorial plat approval jurisdiction. Staff also does not believe that the land division will have an adverse impact on any future annexations of this property to the City of Madison, on future urban development activities in this area, or the ability to extend water or sanitary sewer services to this site in the future, all of which appear likely to be 20 years or more away from occurring.

## Recommendation

The Planning Division recommends that the Plan Commission **approve** the Certified Survey Map of property addressed as 3427 Bailey Road, Town of Sun Prairie, 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

1. The scaled map on Sheet 2 of the CSM shall include the approximate area of the applicant and property owner’s contiguous ownership parcels and perimeter dimensions of the excluded lands for future reference purposes.

**The following conditions of approval have been submitted by reviewing agencies:**

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

2. The applicant shall dedicate a 33-foot wide strip of right of way along Bailey Road.
3. Informational Comment: This property will be required to connect to City sewer when it becomes available and pay all applicable sewer connection fees to the City and Madison Metropolitan Sewerage District (MMSD). There are no current plans to extend sewer to this area.
4. The applicant shall dedicate a 10-foot wide permanent limited easement for grading and sloping along Bailey Road.

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

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. If a new tie sheet is not required under A-E 7.08, Engineering requests a copy of the latest tie sheet on record with Dane County Surveyor's office. The Applicant shall identify monument types on all PLS corners included on the Plat. Note: Land tie to two PLS corners required.
6. Show a recorded as distance on the tie to the section corner of 1800.13 feet. Denote a "recorded as" designation under the Legend.
7. With the requirement of dedication of the portion of existing Bailey Road within this CSM, modify the owner's certificate and Town certificate to acknowledge and accept the dedication.
8. Remove reference to a Lot 2 on Sheet 3 in the Notes section.
9. The 6.99 distance on the sheet 1 map from North 1/4 corner to POB reads 1800.02'. The legal description calls it 1802.00'. Verify and fix the incorrect distance.

**Zoning Administrator** (Contact Pat Anderson, 266-5978)

This agency submitted a response with no comments or conditions for this request.

**Traffic Engineering Division** (Contact Eric Halvorson, 266-6527)

This agency did not provide comments for this request.

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

This agency submitted a response with no comments or conditions for this request.

**Water Utility** (Contact Dennis Cawley, 261-9243)

This property is outside the Madison Water Utility service area.

**Office of Real Estate Services** (Heidi Radlinger, 266-6558)

10. Ensure name on owner's certificate reflects full name in record title. Signature block certifications shall be executed by all parties of interest, pursuant to Wis. Stats. 236.21(2)(a). All signatory parties (other than sole proprietorships) shall provide documentation that proves said signatories have legal authority to sign the Owner's Certificate. The title of each certificate shall be consistent with the ownership interest reported in the most recent title report. The executed original hard stock recordable CSM shall be presented at the time of sign-off.
11. 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..."
12. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish an updated title report to Heidi Radlinger in City's Office of Real Estate Services ([hradlinger@cityofmadison.com](mailto:hradlinger@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 (June 1, 2016) submitted with the CSM application and include all associated documents that have been recorded since the initial title report. The surveyor shall update the CSM with the most recent information reported in the title update
13. The owner shall email the document number of the recorded CSM to Heidi Radlinger at the City's Office of Real Estate Services as soon as the recording information is available.