



PREPARED FOR THE PLAN COMMISSION

**Project Address:** Adjacent to 2862 Siggelkow Road, Town of Cottage Grove  
**Application Type:** Certified Survey Map (CSM) in the Extraterritorial Jurisdiction  
**Legistar File ID #** [69316](#)  
**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 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 encompasses approximately 36.4 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 3.65-acre residential lot that will be 237.15 feet deep and extend 670.4 feet along the Siggelkow frontage, with the remaining land to 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 10, 2022. Therefore, the 90-day review period for this CSM will end circa April 10, 2022.

**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 4 of this report.

## Background Information

**Parcel Location:** Approximately 36.4 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 AT-35 (Agricultural Transition District). Dane County approved rezoning of the property to the FP-1 (Farmland Preservation, Small Lot District) and RR-2 (Rural Residential District, 2-acre minimum) districts 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: 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 easternmost 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 EMS.

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

School District: Monona Grove School District.

## Project Description

The applicant and property owner is requesting approval of an extraterritorial Certified Survey Map (CSM) to create an approximately 3.65-acre residential lot in the northeastern corner of an undeveloped 36.4-acre agricultural parcel (PIN: 0711-311-8000-1) 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. Lot 2 of the proposed CSM will be 237.15 feet deep and extend 670.4 feet along the north-south Siggelkow Road frontage; the remaining

approximately 32.7 acres of the property will comprise Lot 1 and will be restricted to farmland preservation per the letter of intent.

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 developed commercial parcel to the north at 2862 Siggelkow Road for reference purposes only; the 2862 parcel is not part of the proposed 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 September 21, 2021. Previously, on May 12, 2020, Dane County approved a rezoning of proposed Lot 1 from AT-35 (Agriculture Transition District) to FP-1 (Farmland Preservation, Small Lot District), while Lot 2 was rezoned 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. A condition of the rezoning approvals required that a deed restriction be placed on the 32.39-acre parcel to prohibit residential development due to the housing density rights having been exhausted per the Town of Cottage Grove's density policies.

The Town of Cottage Grove Board approved the rezoning for the proposed land division at its May 4, 2020 meeting. As part of its approval, the Town granted an exception to its maximum two-acre lot maximum for proposed Lot 2 due to "geographical features and trees." The Town Board approved the current version of the CSM at its September 20, 2021 meeting.

**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.

**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.

The Planning Division submitted written opposition to the proposed rezoning and land division concept in May 2020, which called for the residential Lot 2 to be 5.14 acres in area and extend most of the length of the eastern edge of the subject property adjacent to the north-south section of Siggelkow Road. The previous lot configuration left less of the parcel for farmland preservation. However, in reviewing the CSM as currently construed, the Planning Division does not object to the proposed configuration, which is more consistent with the development pattern that exists near the southern edge of the parcel and includes a small number of residential lots of a similar size to proposed Lot 2. The revised configuration leaves more of the remaining parcel as farmland consistent with the recommendations for agriculture/rural uses in the Yahara Hills Neighborhood Development Plan.

Staff does not anticipate that the proposed land division into the proposed lots will negatively affect the City's ability to accomplish annexations or extend urban services into this area. As noted above, it is not anticipated that public water or sewer will be available in this area for the foreseeable future.

## Recommendation

The Planning Division believes that the Plan Commission can find the approval criteria met and **approve** the two-lot Certified Survey Map of PIN 0711-311-8000-1 located adjacent to 2862 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

**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 Jeff Quamme, 266-4097)

1. Place a note on the CSM that the adjacent existing right of way of Siggelkow Road were dedicated for town road purposes per Document No 1138590.
2. There are public road improvements beyond the existing right of way of Siggelkow Road at the northeasterly and southeasterly corners of this Certified Survey Map. Dedicate the necessary right of way that encompass the pavements and adjacent drainage ditches and remove them from the proposed private lots.
3. The area of Lot 1 is in error by about 1,000 square feet. Correct the area.
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 Jeff Quamme (jrquamme@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. 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 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)

This property is currently outside the Madison Water Utility service area.

**Office of Real Estate Services** (Contact Melissa Hermann, mhermann@cityofmadison.com)

7. 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.
8. 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).
9. 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.
10. 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...”
11. If any portion of the lands within the CSM boundary are subject to an Option to Purchase or other Option interest include a Certificate of Consent for the option holder.

12. 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.
13. As of February 11, 2022 the 2021 real estate taxes are paid for the subject property. Per 236.21(3) Wis. Stats., the property owner shall pay all real estate taxes that are accrued or delinquent for the subject property prior to CSM recording. This includes property tax bills for the prior year that are distributed at the beginning of the year.
14. As of February 11, 2022, 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 prior to CSM sign-off.
15. 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.
16. 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.
17. 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.