

From: Ledell Zellers

Sent: Thursday, June 22, 2023 11:13 AM

To: [Plan Commission Members]

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Subject: June 26 Plan Commission meeting: Land Subdivision Regulations.

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Hello Commissioners,

I have read through the draft subdivision ordinance which will be before us on Monday June 26 and have some recommendations. Please note that the page numbers shown refer to the Ordinance Comparison PDF:

<https://madison.legistar.com/View.ashx?M=F&ID=12069385&GUID=9E95ED11-4182-4985-8260-623BA0B6EF2C> Where I make specific recommendations I show deletions in strike out and underline recommended new language.

Some of my recommendations are to try to make the ordinance a bit more understandable by regular people. Some are minor edits/corrections while some are more substantive. I asked that Tim Parks take a look at my comments and questions. As a result, I have not included everything I sent to him and to which he provided context and answers. I have, though, included his comments on some of the items (highlighted in yellow).

Thank you for taking some time to take a look prior to our Monday meeting ... and for all you do as Plan Commissioners!

Ledell

1. p.1 (1)(b) and in other places, appears the word should be “ensure” (as in (1) (e)) rather than “insure”. I recommend that this be figured out and corrected in places needed.
2. Land combinations. There is scant mention of land combinations. (I only saw it in two places...) While I think the ordinance might benefit from a bit more clarity throughout when provisions apply to land combinations as well as divisions, certainly a change in the definition of “Certified Survey Map” (p. 2), as suggested by Tim to help make things clearer would help. The definition would then read: A drawing meeting all the requirements of Sec. 236.34 Wis. Stats. Which is a map or plan of record of a land division, including the combination of parcels for building development.” I recommend we make this change to assist with clarity.

3. Top of p. 9 “between an adopted plan or the Street Type Map regarding the specific requirements for a street or highway, the recommendations of the most recently adopted plan, guide, or map should abide.” Recommend “abide” be changed to “apply” for clarity.
4. p. 10 4. I recommend we change 16.23 (3)(a)4 as follows (deletions shown in strike out; new provisions underlined):

“For subdivisions or land divisions containing existing ~~stands of~~ mature, high-quality trees, the Plan Commission may require that the subdivision or land division be approved with conditions to limit impact on those trees from the development, including the use of building setback lines, limitations on grading and utility installation, and the use of easements or restrictions limiting future owners from impacting the mature trees without the approval of the Plan Commission, its secretary, or their designee. A survey of the location and condition of the existing trees prepared by an arborist or other qualified professional may be required by the Plan Commission or its secretary in order to satisfy this requirement.”

a. Mature, high-quality trees are trees that:

- i. Are rare or exceptional by virtue of size, species, condition, cultural/historic importance, and/or age.
- ii. Are part of a group of 8 or more trees 12” in diameter or greater that form a continuous canopy.

b. Mature, high-quality trees do not include trees recommended for removal based on a risk assessment by a certified arborist.

While this is not a tree protection ordinance, the purpose of this ordinance, under 16.23(1) says:

“The purpose of these regulations is to regulate and control the subdivision of land within the corporate limits and extraterritorial plat approval jurisdiction of the City of Madison in order to promote the public health, safety and general welfare of the community consistent with the goals, objectives, and policies in the City of Madison’s comprehensive plan and adopted neighborhood, sub-area, and transportation plans.”

In our ever warming climate, trees are becoming more and more important to “the public health, safety and general welfare” of Madison’s residents. This small provision/change would help us protect some trees which is an increasingly important thing to do given that our trees are suffering from disease, construction/road building damage and removal, drought and poor conditions for growing after the ground being disturbed by construction, etc.

5. It seems odd to me that there are so many provisions addressing noise as related to auto/truck traffic on roads but essentially nothing re airplane noise.

Per Tim: We are limited regarding airport-related noise to discouraging division of land in affected areas on a very high level. There are references in statute to regulating land uses in an "airport affected area," but that does not appear to extend to regulating the division of land per Stats. 236.

While p 1 (e) does use the word "discourage" in relation to airport approach zones, I recommend that be added elsewhere in the ordinance if there are any other appropriate places to further emphasize the concern with development where the land is impacted by excessive and harmful air traffic noise.

6. On p. 20...under 1. It says "anticipated automobile traffic".

I think we should use a term that would clearly include trucks. Tim suggests "Motor vehicle". I recommend we make this change.

7. On p. 34, I recommend that we add the same language to Collector streets ("to facilitate a healthy tree canopy;") as is added for Local Streets (shown on p. 35).
8. P. 36 the new paragraph right before b., I recommend we add the word "be" as follows: "the buffer strip may be located in an outlot to be maintained by a private association."
9. P. 37 under 5. This sentence does not read well: "Buffering From Arterial Streets And Highways. Whenever the proposed subdivision or land division contains or is adjacent to an arterial street or highway, adequate protection of residential properties shall be provided with a buffer that includes screening and/or landscape planting contained in a non-access reservation along the property line adjacent to such arterial street or highway." I recommend we add the word "with" as shown.
10. P. 43 - 44 I recommend we encourage that above ground electric facilities be a sensible distance (to be defined by TE) from corners to avoid impeding the vision of motorists.
11. P. 48 2. The last sentence seems incomplete: "Where such dedication or other provision is not required, the developer may be required to reserve such area for a period not to exceed five (5) years after which the City, County or to."

Tim indicates he believes we are missing "wn" to make the word "town" at the end of that section. I recommend we make that edit.