



## Report to the Plan Commission

July 26, 2010

**Legistar I.D. #19282**  
**3098 Hope Hollow Trail, Town of Cottage Grove**  
**Extraterritorial Certified Survey Map**

Report Prepared By:  
Timothy M. Parks, Planner  
Planning Division

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**Requested Action:** Consideration of a two-lot Certified Survey Map (CSM) of the Larry G. Skaar property located at 3098 Hope Hollow Trail, Town of Cottage Grove, Dane County, Wisconsin within the City of Madison's Extraterritorial Jurisdiction.

**Applicable Regulations & Standards:** Section 16.23, Land Subdivision Regulations, Madison General Ordinances provides the requirements for land divisions located within the corporate limits of the City of Madison or within the Extraterritorial Plat Approval Jurisdiction.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission **approve** this Certified Survey Map subject to input at the public hearing and the conditions from reviewing agencies beginning on page 5 of this report.

### Background Information

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**Applicant & Property Owner:** Larry G. Skaar; 3287 Field View Lane; Cottage Grove.

**Surveyor:** Dan Birrenkott, Birrenkott Surveying, Inc.; PO Box 237; Sun Prairie.

**Proposal:** The applicant proposes to create one residential lot of 1.08 acres containing an existing single-family residence, a detached garage and barn and a second undeveloped residential lot of 0.47-acres from approximately 148 contiguous acres of agricultural land under his ownership. The applicant wishes to record the Certified Survey Map as soon as all regulatory approvals have been granted.

**Review Schedule:** The State's subdivision statute, WS 236, requires that action be taken on a Certified Survey Map within 90 days of submittal unless a written extension is granted by the applicant. If no action is taken within 90 days and no extension granted, the CSM is deemed approved. The proposed CSM application was submitted to the City on June 9, 2010. Therefore, the 90-day review period for this CSM will end on September 9, 2010.

**Parcel Location:** The 148-acre parcel extends generally along and east of CTH AB from Siggelkow Road on the south to undedicated Hope Hollow Trail; Town of Cottage Grove; Monona Grove School District.

**Existing Conditions:** The existing single-family residence, garage, barn and two sheds are located at the easterly terminus of Hope Hollow Trail on land zoned County R-1 (Single-Family Residence District). The remainder of the applicant's land is agricultural and is zoned County A-1EX (Exclusive Agriculture District).

### Surrounding Land Use and Zoning:

North: US Highway 12 & 18 (at northernmost edge of property); undeveloped land in the Town of Cottage Grove, zoned County C-2 (Commercial District); single-family residence on large parcel, zoned County RH-3 (Rural Homes District – 8-acre minimum parcel required);

South: Agricultural lands in the Town of Cottage Grove, zoned County A-1EX (Exclusive Agriculture District) and A-B (Agriculture Business District); single-family residences, zoned County R-1a (Single-Family Residence District);

East: Agricultural lands in the Town of Cottage Grove, zoned County A-1EX; single-family residences on large lots, zoned County A-2 (Agriculture District) and RH-1, RH-2 and RH-4 (Rural Homes Districts);

West: Undeveloped and agricultural lands in the Town of Blooming Grove, zoned A-1EX, RE-1 (Recreational District) and A-2(1) (Agriculture District – 1-acre minimum parcel required); Yahara Hills Golf Course in the City of Madison, zoned C (Conservancy District).

**Basis for Referral:** Criteria for non-agricultural land division. However, the Plan Commission may consider an alternative version of the proposed land division using the agricultural land division criteria if it believes the non-agricultural criteria cannot be met with the request as submitted.

**Environmental Corridor Status:** This property is not within the Central Urban Service Area and there are no mapped environmental corridors in this area. The corridor map (H10) that includes the subject site and nearby properties indicates that portions of the applicant's 148-acre property from which the proposed lots will be created include a branch of Door Creek, floodplain, wetlands, and steep slopes (greater than 12%), including an area of steep slopes just north of the proposed northerly lines of Lots 1 and 2 of the subject CSM.

**Public Utilities and Services:**

Water: Property is not served by municipal water.

Sewer: Property is not served by municipal sewer.

Fire protection: Cottage Grove Fire Department

Emergency medical services: Deer-Grove EMS

Police services: Dane County Sheriff's Department – District S1.

School District: Monona Grove School District

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**Project Review, Analysis & Conclusion**

**Proposed Land Division:** The applicant is requesting approval of a two-lot certified survey map (CSM) to create an approximately 1.08-acre lot containing an existing two-story single-family residence, barn and detached garage and a 0.47-acre lot for future residential construction from approximately 148 acres of contiguous agricultural land under his ownership. The two lots proposed will be located at the easterly terminus of Hope Hollow Trail, an undedicated town road that extends easterly from CTH AB. The larger 148-acre property is located in the Town of Cottage Grove and generally extends along and east of CTH AB from Siggelkow Road on the south to Hope Hollow Trail on the north, and along Siggelkow Road from CTH AB east to Pierce Road. The northernmost edge of the applicant's property abuts US Highway 12 & 18. The remainder of the applicant's holdings from which the proposed lots will be created are agricultural in character and appear from aerial photography to be in active tillage, and the agricultural use of the remaining property is proposed to continue. No construction is proposed on the remaining site acreage not shown on the certified survey map.

The subject site is bisected by a branch of Door Creek that extends diagonally across the property. The northwesterly portion of the property is characterized by steep north to south slopes northeast of the

existing residence on the property, which fall towards the creek. More gradual slopes are present in the southeasterly portion of the site, which fall towards the creek from the southeastern corner. The 148-acre site is devoid of any significant stands of vegetation. Environmental corridor maps identify floodplain and wetlands on the subject property at various locations along the creek branch that crosses the site, though not in the area of the two proposed CSM lots.

The area surrounding the subject site includes a number of agricultural uses in the towns of Blooming Grove (west of CTH AB) and Cottage Grove, which are interspersed with single-family residences on parcels of varying sizes, primarily to the south and east of the site and west of the two proposed CSM lots on the bend in Hope Hollow Trail. Additionally, the larger 148-acre parcel is located across CTH AB from the City of Madison's Yahara Hills Golf Course, which is zoned C (Conservancy District) zoning in the City.

**Approval of CSM by Town of Cottage Grove and Dane County:** Section 16.23 (7)(c) of the Subdivision Regulations 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.

The proposed lot was rezoned from A-1EX exclusive agricultural zoning to R-1 single-family residential zoning by Dane County on March 4, 2010 following the approval of the rezoning and land division by the Town of Cottage Grove on February 1, 2010. The County's rezoning approval was conditioned upon the completion of the subject CSM within 180 days as well as conditions of approval requiring 66 feet of right of way and a 60-foot radius cul-de-sac to be dedicated to the Town of Cottage Grove for the portion of Hope Valley Road owned by the applicant, with the cul-de-sac to be constructed at the time that the proposed vacant lot is sold, and a deed restriction prohibiting further residential development on the applicant's remaining A-1EX-zoned land from which the proposed CSM lots are being created.

Dane County also conditionally approved the proposed land division as outlined in a letter dated April 14, 2010 from Dan Everson, Land Division Review, Dane County Department of Planning and Development (attached).

**City of Madison Land Use Plan:** The property is located outside of the areas currently covered by an adopted City of Madison neighborhood development plan. The Comprehensive Plan identifies lands generally bounded by Interstate 39-90 and CTH AB on the west, Siggelkow Road on the south, Door Creek on the east and Cottage Grove Road on the north, including the subject site, in Planning Area D (Group 1). The Comprehensive Plan suggests that Area D is a logical area for urban expansion given the growth occurring west of that planning area in the City's Sprecher, Cottage Grove and Marsh Road neighborhood planning areas. The Plan notes that portions of the planning area are already in the City, and that the area is well served by existing and planned roadways, and City of Madison and Madison Metropolitan Sewerage District utilities and facilities are located on the edges of the planning area and can be relatively easily extended into the area to serve future urban development.

The Comprehensive Plan suggests that further planning for Planning Area D will occur in one or more neighborhood development plans. The Generalized Future Land Use Plan that includes the subject site primarily recommends employment uses for the area roughly bounded by CTH AB on the west, Femrite Drive on the north and Hope Hollow Trail on the south on both sides of US Highway 12 & 18. Lands south of Hope Hollow Trail, including the area of the two proposed CSM lots, are recommended for the future development of low-density residential uses on either side of a corridor recommended for park and open space uses astride the branch of Door Creek that crosses the applicant's property. Area D also identifies the potential for small-scale agricultural and conservations uses, and recommends

preservation of significant topographical features located in the planning area, including drumlins and wetlands. Finally, future planning in Area D by the City will likely depend on the establishment of an agreement between the City and Town of Cottage Grove.

**Land Division Criteria:** The Subdivision Regulations provide two criteria for consideration of land divisions in the City's extraterritorial plat approval jurisdiction:

*Agricultural Land Division Criteria:* The Plan Commission may grant approval of a land division subdividing portions of agricultural lands provided that the Commission shall determine that the proposed land division will assist and assure the continuation of the agricultural use.

*Non-Agricultural Land Division Criteria:* In the case of nonagricultural lands, the Plan Commission may recommend approval of a subdivision to the Common Council or may grant approval of a land division provided that the Plan Commission shall determine that the proposed subdivision or land division complies with each of the following four criteria:

- a. The proposed subdivision or land division shall be compatible with adjacent land uses and shall maintain the general land use pattern of the area in question.
- b. The proposed subdivision or land division shall result in a development pattern that is compatible with surrounding developments and land uses. Measures of compatibility shall consider lot sizes, traffic generation, access, noise and visual features.
- c. 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.
- d. The proposed subdivision or land division shall comply with one of the following:
  - i. The proposed subdivision or land division shall represent infilling of vacant land. Infilling is defined as a subdivision or land division which will accommodate the development of vacant land located such that surrounding existing land uses render the land impractical for any but similar uses.
  - ii. The proposed subdivision or land division shall provide permanent open space lands for use by the general public in conformance with the adopted Parks and Open Space Plan for Dane County, Wisconsin, the City of Madison adopted Parks and Open Space Plan or the City's other adopted Master Plan elements, including the Peripheral Area Development Plan. The permanent open space lands shall be accessible and open for use by the general public. The open space lands shall be exclusive from, and in addition to, lands required for dedication to comply with applicable public parks and open space dedication requirements and shall be provided at a ratio of two acres of permanent open space lands for every one-acre of developed lands, including street rights of way. For the purpose of this provision, wetlands, flood plain lands, steep slopes, or other lands which are not developable because of sensitive environmental features shall not be counted as permanent open space lands in calculating the ratio of permanent open space lands provided versus

developed lands. Steep slopes shall include lands which have grades of twenty percent (20%) or more.

The proposed CSM will create a 1.08-acre lot for the existing single-family residence, barn and garage from a larger 148-acre agricultural parcel, which would typically be reviewed using the agricultural land division criteria. However, the request to create a second lot for the construction of a new residence on the northerly side of Hope Hollow Trail west of the proposed lot for the existing residence suggests a non-agricultural land division, therefore requiring the application of those criteria for this CSM.

The Planning Division believes that the proposed land division could marginally be considered infilling as stipulated in Part d(i) above. As drawn, the northeasterly line of the two proposed residential lots will be the southeasterly extension of the northeasterly line of Lot 1 of CSM 2191, a 1-acre lot created in 1976 with City of Madison extraterritorial approval. Lot 2 of the proposed CSM will encompass the existing buildings, with the southerly line of that lot generally centered on the south line of Hope Hollow Trail. Lot 1 of the proposed CSM will be located between the northwesterly side line of Lot 2 and the adjacent single-family residence on Lot 1 of CSM 2191. As a result, staff believes that the Plan Commission could find that non-agricultural land division criteria a., b., and d(i) above are met with the two-lot request as presented. Staff also does not believe that the proposed land division will have a significant impact on future annexations or the future provision of municipal services once Madison services extend into this area following completion of a neighborhood development plan by the City.

Should the Plan Commission find that the non-agricultural land division criteria are not met with the two-lot CSM proposed, staff believes that the Plan Commission can instead approve a one-lot CSM allowing the applicant to separate the single-family residence, barn and garage from the agricultural lands using the agricultural land division criteria, which are intended to assist and assure the continuation of the agricultural use. The applicant has indicated to staff that he wishes to maintain the agricultural use of the remaining approximately 148 acres of land generally south and east of the proposed lot that would contain the residence and two accessory structures.

## **Recommendations and Proposed Conditions of Approval**

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The Planning Division recommends that the Plan Commission find the non-agricultural land division criteria met and approve the two-lot Certified Survey Map of 3098 Hope Hollow Trail, Town of Cottage Grove to create two residential lots from the 148-acre agricultural parcel.

Should the Plan Commission find that the non-agricultural land division criteria cannot be met with the proposed two-lot land division, Planning staff believes that the Plan Commission should alternatively approve a one-lot land division allowing the creation of a lot for the existing single-family residence, barn and garage from the surrounding agricultural lands using the agricultural land division criteria. The final configuration of the single lot shall be approved by Planning Division staff.

Staff recommends approval subject to input at the public hearing and the following agency conditions:

### **City Engineering Division** (Contact Janet Dailey, 261-9688)

1. Note: Sanitary sewer fees will be due upon connection to City Sanitary Sewer when City expands.
2. The applicant shall dedicate a 15-foot wide Permanent Limited Easement for grading and sloping along the CTH AB frontage.