



Report to the Plan Commission

August 9, 2010

Legistar I.D. #19427

3185 Timber Lane, Town of Verona

Extraterritorial Certified Survey Map

Report Prepared By:

Timothy M. Parks, Planner

Planning Division

Requested Action: Consideration of a one-lot Certified Survey Map (CSM) of the Monson property located at 3185 Timber Lane, Town of Verona, 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 comments and conditions from reviewing agencies beginning on page 5 of this report.

Background Information

Applicant & Property Owner: Jeff Monson; 7818 Paulson Road; Verona.

Surveyor: Thom R. Grenlie; 400 S. Nine Mound Road; Verona.

Proposal: The applicant proposes to create one residential lot of 3.6 acres from a larger approximately 82-acre agricultural parcel. 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 July 14, 2010. Therefore, the 90-day review period for this CSM will end on October 14, 2010.

Parcel Location: An approximately 82-acre parcel generally located on the west side of Timber Lane opposite the western terminus of Mid Town Road in the towns of Verona and Middleton; the lot to be created by this CSM is located in the Verona Area School District.

Note: The applicant's 82 contiguous acres of land includes 43.4 acres of agricultural land in the Town of Verona and 38.6 acres of agricultural land in the Town of Middleton to the north. However, the 38.6 acres to the north are not located within the City's extraterritorial jurisdiction and shall not be considered when weighing approval of the proposed CSM. Only the portions of the applicant's property in the City's ETJ can be considered.

Existing Conditions: The lot proposed by this CSM is developed with a single-family residence, zoned County RH-1 (Rural Home District). The remaining land is agricultural in character and includes a variety of farm buildings located generally west of the house on land zoned County A-1EX (Exclusive Agriculture District).

Surrounding Land Use and Dane County Zoning:

North: Single-family residences on large parcels and agricultural parcels in the Town of Middleton, zoned A-1 (Agriculture District) and A-1EX (Exclusive Agriculture District);

South: Single-family residences on large parcels and agricultural parcels in the Town of Verona, zoned A-2 (Agriculture District), R-1 (Single-Family Residence District) and RH-1 and RH-3 (Rural Home District);

East: Single-family residences on smaller town parcels along the east side of Timber Lane south of Mid Town Road, zoned R-1 (Single-Family Residence District); and RH-1; single-family residences on large parcels and undeveloped and agricultural parcels along the east side of Timber north of Mid Town, zoned RH-2 and RH-3 (Rural Home Districts) and CO-1 (Conservancy District);

West: Single-family residences on large parcels and various agricultural parcels in the towns of Springdale and Cross Plains, zoned A-1 (Agriculture District) and RH-2.

Basis for Referral: Criteria for agricultural land division.

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 (A11) that includes the subject site indicates that the applicant's property from which the proposed lot will be created is crossed by two intermittent streams. Small areas of steep slope (greater than 12%) are also identified on portions of the subject property.

Public Utilities and Services:

Water: Property is not served by municipal water.

Sewer: Property is not served by municipal sewer.

Fire protection: Verona Fire Department

Emergency medical services: Fitcharona EMS

Police services: Dane County Sheriff's Department – District W4.

School District: Verona Area School District

Project Review, Analysis & Conclusion

Proposed Land Division: The applicant is requesting approval of a one-lot certified survey map (CSM) to separate approximately 3.6 acres containing a single-family residence from approximately 82 acres of contiguous agricultural land under common ownership located to the north and west. The proposed lot and house is located in the Town of Verona on the west side of Timber Lane opposite the western end of Mid Town Road. The 82 acres of land owned by the applicant includes approximately 43.4 acres of land in the Town of Verona and 38.6 acres of land to the north in the Town of Middleton. Additionally, the applicant indicates that the subject 82 acres are part of a larger farm owned by a related business, which encompasses another approximately 140 acres to the west in the Town of Cross Plains.

The remaining 78.4 acres of the subject 82-acre property are agricultural in character and include a series of agricultural accessory buildings and a small pond located west of the residence. The residence and accessory buildings share access to Timber Lane from a gravel driveway that enters the property opposite Mid Town Road. No construction is proposed on the remaining 78.4 acres not shown on the certified survey map, which the applicant has indicated will remain agricultural in use.

The residence and accessory buildings are located on the easterly portion of the 82-acre property in a valley located between two high points adjacent to Timber Lane. An intermittent stream runs north to south through the valley and intersects with a second north-south intermittent stream located on the western portion of the property. The remaining property is characterized by a rolling terrain, with small areas of mature vegetation scattered throughout the site, particularly along the southerly portion of the western property line and portions of the southern property line.

The area surrounding the subject site is primarily agricultural and is characterized by a mix of large agricultural parcels and single-family residences on a variety of differently sized and configured parcels in the towns of Verona, Middleton, Cross Plains and Springdale. While many of the properties nearby are substantially agricultural in character, there are a number of smaller single-family parcels southeast of the site on the east side of Timber Lane south of Mid Town Road.

Approval of CSM by Town of Verona 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-H1 Rustic Homes District zoning by Dane County on May 20, 2010 following the approval of the rezoning and land division by the Town of Verona on April 7, 2010. The County's rezoning approval was conditioned upon the completion of the subject CSM within 90 days and payment of the Dane County Rezoning Conversion Fee. The remaining acreage will remain zoned A-1EX. The County also conditionally approved the proposed land division as outlined in a letter dated July 14, 2010 from Dan Everson, Land Division Review, Dane County Department of Planning and Development (attached).

City of Madison Land Use Plan: The subject site is not located within a Peripheral Planning Area as shown on Map 2-4 of the Comprehensive Plan and is located just beyond the coverage of the more detailed Generalized Future Land Use Maps. The site is closest to Planning Area A, which is a "Group 1" planning area identified as a high priority area for more detailed neighborhood planning in order to further define the City of Madison's near and long-term interests in serving future urban development and expansion in this area. Planning for Area A, which extends east from Timber Lane to CTH M between Mid Town Road and McKee Road/ CTH PD, has focused to date on the eastern portion of the area east of Shady Oak Lane. That portion of the planning area was included in the Shady Wood Neighborhood Development Plan. A timeline for more detailed planning of the western portion of Planning Area A closer to the subject property has not been identified and may not occur with the planning period for the 2006 Comprehensive Plan.

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 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. The applicant has indicated to staff that he wishes to maintain the agricultural use of the remaining approximately 78.4 acres of land surrounding the proposed 3.6-acre lot to be created by this land division. Future subdivision of the applicant's remaining agricultural land would be subject to review by the City under its Extraterritorial Plat Approval Jurisdiction.

As noted earlier in this report, the applicant's 82 acres of land includes 43.4 acres of agricultural land in the Town of Verona and 38.6 acres of agricultural land in the Town of Middleton to the north. However, the 38.6 acres to the north are not located within the City's extraterritorial jurisdiction and shall not be considered when weighing approval of the proposed CSM (see attached maps). Only the portions of the applicant's property in the City's ETJ can be considered.

Recommendations and Proposed Conditions of Approval

The Planning Division recommends that the Plan Commission **approve** the Certified Survey Map of 3185 Timber Lane, Town of Verona to create one lot subject to input at the public hearing.

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

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

1. 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 Eric Pederson, City Engineering Division. 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 or CSM. Note: Land tie to two PLS corners required.
2. Prior to City Engineering final sign-off by the main office of the CSM, the final CSM shall be submitted to the Engineering Division Surveyor/ Land Records Coordinator for final technical review and approval. This submittal shall occur a minimum of two working days prior to final Engineering Division signoff. Electronic mail submittal of the final CSM in PDF form is preferred. Transmit to epederson@cityofmadison.com.

The Zoning Administrator noted as part of his review that at such time in the future as the proposed 3.6-acre lot is annexed into the City, it will be zoned Temp. A (Agriculture District). As proposed, the new lot will have nonconforming side yard and rear yard setbacks in that zoning district.