



## Report to the Plan Commission

July 26, 2010

**Legistar I.D. #19284**

**3682 CTH N, Town of Cottage Grove**

**Extraterritorial Certified Survey Map**

Report Prepared By:

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Planning Division

**Requested Action:** Consideration of a one-lot Certified Survey Map (CSM) of the Larry Skaar property located at 3682 CTH N, 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.

### Background Information

**Applicant & Property Owner:** Larry 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 2.5 acres from 285 contiguous acres of agricultural land under his ownership (including lands located outside of the City's Extraterritorial Jurisdiction). 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 285-acre parcel is generally located on the east side of CTH N, with the southern edge of the larger parcel located a quarter-mile north of the CTH N interchange with US Highway 12 & 18, and the northernmost edge of the parcel, including the proposed lot, located opposite Natvig Road; Town of Cottage Grove; Stoughton Area School District.

Note: Portions of the 285 acres of contiguous land owned by the applicant are located outside 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, which includes the proposed CSM lot and all of the applicant's land along and a half-mile east of CTH N (see attached exhibit).

**Existing Conditions:** The proposed 2.5-acre lot is developed with a single-family residence, five sheds of varying size and a silo. The proposed CSM lot is zoned County A-2(2) (Agriculture District – 2-acre minimum). The remainder of the applicant's land is agricultural and is zoned County A-1EX (Exclusive Agriculture District).

**Surrounding Land Use and Dane County Zoning:**

North: Agricultural land and farmhouse, zoned A-1EX (Exclusive Agriculture District);

South: Agricultural lands, zoned A-1EX;

East: Agricultural lands, zoned A-1EX;

West: Agricultural lands, zoned A-1EX and A-2(8) (Agriculture District – 8-acre minimum parcel required); single-family residences west of Natvig Road, zoned R-1 (Single-Family Residence District).

**Basis for Referral:** Criteria for agricultural land division.

**Environmental Corridor Status:** This property is not within the Central Urban Service Area and is not depicted on any environmental corridor maps.

**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: Stoughton Area School District

**Project Review, Analysis & Conclusion**

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**Proposed Land Division:** The applicant is requesting approval of a certified survey map (CSM) to create an approximately 2.5-acre lot containing an existing two-story single-family residence, a silo and five sheds of varying size from approximately 285 acres of contiguous agricultural land under his ownership generally located south of the proposed lot. The subject property is located in the Town of Cottage Grove and includes a mile of frontage along the east side of CTH N. The southernmost edge of the subject property is located a quarter-mile north of the CTH N interchange with US Highway 12 & 18. The remainder of the applicant's holdings from which the proposed lot will be created are agricultural in character and appear from aerial photography to be in active tillage, and the agricultural use of the property is proposed to continue. No construction is proposed on the remaining site acreage not shown on the certified survey map.

The area surrounding the subject site is predominantly agricultural in character with the exception of a residential subdivision located west of CTH N and Natvig Road, which extends southwest off of CTH N opposite the proposed CSM lot.

**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 A-2(2) agricultural zoning (2-acre minimum) 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. The remaining Skaar acreage will remain zoned A-1EX. The County also conditionally approved the proposed land division as outlined in a letter dated March 24, 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 located with Peripheral Planning Area I as defined in the Comprehensive Plan. Planning Area I is a "Group 3" planning area recommended primarily for continued agricultural and open space uses, and urban development is not recommended or anticipated during the planning period. However, if regional growth continues at the projected rate, some of the western portions of Planning Area I well west of the subject site are located where City of Madison services could potentially be extended and could be suitable for more intensive urban development, though this area is much more distant from those utilities and services at the present time compared to Peripheral Planning Areas D and G located further to the west. The subject site is located well beyond the coverage of the more detailed Generalized Future Land Use Maps contained in the 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 285 acres of land generally south of the proposed 2.5-acre lot to be created by the subject CSM. 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 in the General Information section of this report, portions of the applicant's 285 acres of contiguous land are located outside 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, which in this case includes the proposed CSM lot and all of the applicant's land along and a half-mile east of CTH N (see attached exhibit).

### **Planning Division Recommendation**

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The Planning Division recommends that the Plan Commission **approve** the Certified Survey Map of 3682 CTH N, Town of Cottage Grove to create one lot subject to input at the public hearing.

City agencies reviewed the proposed CSM and submitted responses with no conditions of approval for this request.