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February xx, 2014

Mr. Brian Standing
Senior Planner
Dane County Planning and Development
Rm. 166, City County Building
Madison, Wisconsin 53703

Dear Brian:

We continued to review the potential changes to Chapter 8 of the Dane County Comprehensive Plan. We understand the goals and see value in some of the potential amendments. We respectfully request the consideration of the following modifications to the proposed changes as they relate to hydric soils.

1) Distinguish between improvements which require septic service and basements and those which do not – and regulate accordingly.

This recognizes that some of the difficulties of developing in areas of hydric soils relate to the ability to provide septic service (although septic tanks may alleviate this issue) and to excavate for basements or footings. Such difficulties might not be a problem for agricultural and other outbuildings which do not require basements and which may have little or no impact on soil or water resources (understanding that there is some additional impervious surface).

2) Insure that mitigation standards for those wishing to develop on regulated sites are clear, reasonable and cost effective.

While there seems to be a range of opinion in the professional community as to the ability to develop on hydric soils, it appears that mitigation is possible in some situations. As with the case for shoreland zoning, standards for mitigation should be clear, reasonable and cost effective for those wishing to exercise that option – and identified prior to the passage of new ordinance amendments.

3) Allow property owners who are adversely impacted by the new regulations to develop more densely on remaining suitable land, if they do so in conservation subdivisions or some form of small lot clustering.

This could have the advantage of allowing for the provision of housing in a more effective manner, reducing the conversion of land from other purposes.



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4) Allow development at sites with small areas of hydric soils under a to-be-determined size.

Hydric soils can sometimes occur in small pockets, in the middle of larger parcels suitable for development. We are told that such small pockets can be removed and replaced by fill with minimal impact. We would tentatively recommend a maximum size for each of these "pockets" be one acre.

5) Allow development of driveways and other access corridors across areas of hydric soils, if properly mitigated.

There will be less pressure to develop on hydric soils if access is allowed to sites more suitable for development.

6) Allow development on soils demonstrated to have been drained and unlikely to revert to a hydric condition.

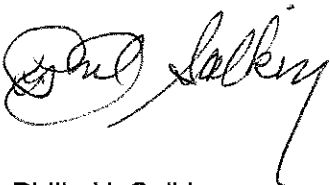
We are still gathering information on this point. However, it is clear that some areas which have been drained, filled, etc., would not revert to a hydric condition if abandoned. As such, it would be more beneficial to allow continued development in these locations.

7) Provide notification to property owners of changes that impact the use of their property.

While the proposed new regulations do not constitute a change in zoning, we believe that prior to adoption, impacted property owners should receive individual notification. To that end we would be willing to work with the County on such an effort.

Perhaps after you have a chance to review these proposals, we can meet to discuss them. We hope that our positions and the County's proposed changes can be mutually acceptable.

Sincerely,



Philip H. Salkin
Government Affairs Director