

TO: Comprehensive Planning Steering Committee, Renee Lauber, Chair
From: Town of Mazomanie Board and Land Plan Commission
Re: Proposed Resource Protection Map
Date: March 10, 2014

The Town of Mazomanie has concerns regarding the proposed Resource Protection Map dated 12/19/2013. In the last 10 years, (since 1995) 19 new houses (not including houses that were replaced) have been built in the Town of Mazomanie. That's an average of 1.9 houses per year. It does not seem disputable that development in the Town of Mazomanie is occurring at a sustainable pace. The Town has a strict land use policy that limits development to one development right per 40 acres owned as of 1979 and we have a Land Plan that was thoroughly revised and updated (including a transfer of development rights process) in 2012. Members of the Town Board and the Land Plan Commission feel that people who live in the Town and are elected by the towns people know Town lands and are best suited to making decisions regarding new development in the town. In as much as possible, we believe in local control and in simplifying (rather than complicating) land use policy.

Members of the Land Plan Commission and the Town Board recognize that the staff of Dane County Zoning has a high degree of knowledge and expertise. They are trained professionals. But we live here. While our technical understanding may not be so great, our knowledge of our community (both the people and the land) is far greater. We meet every month (and sometimes far more often) to determine policy and priorities. Town residents are encouraged to attend and speak out at these publically noticed meetings.

One of our main concerns regarding the proposed map is that its use will reduce our Town Board's control over land use issues where we have the most knowledge about the properties in question. We also do not think that our efforts should be duplicated or overridden at the county level after our Land Plan has been approved by the county.

We recognize that different levels of government must work together. We appreciate the need to protect our environment. We understand that new technologies (GIS mapping) present new opportunities to better understand the land we live on. But we are concerned with the continuing, ever increasing regulation that costs landowners both time and money. We are concerned that maps are painted with a "broad brush" and that once land is designated as "flood plain" or having hydric soils or anything else, it becomes the landowner's responsibility to prove otherwise. It becomes the landowner's responsibility to mitigate or manage or live with regulation. It reduces the value of property and places a financial burden on property owners.

Members of our Planning Commission and Town Board are of all political stripes. They are farmers, builders, business owners and employees. Yet they are unified in the belief that here in the Town of Mazomanie, using available resources (our Land Plan and Dane County Zoning staff), our elected Town Board and Plan Commission are best suited to make decisions regarding development.

Some of our specific concerns regarding the proposed map are:

Including the 500 year flood plain on the map. Our Town is located on the Wisconsin River and also has many streams and creeks. The 100 year flood plain seems more than adequate to protect any development from the threat of flooding and it is our view that the risk associated with the 500 year flood plain (.02%/year) is insignificant. To declare a NO-Build zone on such property seems overly cautious.

Including hydric soils on the map. Much of the Town of Mazomanie is located in the historic Wisconsin River Valley. We agree that much of this land is not suitable for building. However delineating this soil type on the map disregards the variation in hydric soils. While some are inherently and always difficult to build on, others are fine. While it has been noted that the proposed map applies only to NEW development, we have the certain knowledge that people who currently live on properties with this soil type, may, at some future date, (due to unfortunate circumstance, or personal prerogative) want to re-develop their land. They might want to build an outbuilding or increase the footprint of their existing home. We do not believe that land that has been developed for years without any problem should be forced to

comply with the new regulations and we are concerned that NEW construction might apply to ANY new construction even on land that has already been developed.

Including steep slopes on the map. The Town will be discussing a revision of our land plan concerning slopes. While currently our land plan restricts construction of structures on slopes greater than 12%, it is the feeling of the members of the Town Board and Plan Commission that there should be no slope specific requirements but that we might offer guidelines and be open to residents responding to the challenge of protecting slopes via technology. If a landowner came to the town with a plan for a solar heated home built into the side of a south-facing slope or a plan for a wine cellar built into a hill, we believe that we should be able to give them the go-ahead to do so.

Does the resource protection map impact splits? Our Comprehensive Land Plan specifically outlines how splits are determined. If a resource protection map reduces “buildable lands” will landowners right to building sites be also reduced? For example: Our plan makes no distinction between buildable and non-buildable land when applying the rules regarding splits. If a farmer owns 1,000 acres but 500 acres have hydric soils and 200 acres have slope issues, the farmer in question, according to the Town Comprehensive Plan, would have 25 splits. If the Resource Protection map is passed will there be a guarantee that it will not change the manner in which splits are figured?

Impact on many properties in the Town of Mazomanie: On February 20th The Town requested information from Brian Standing on ANY parcel that has ANY portion of it included on the expanded Resource Protection Map. Originally we were told that only 20 parcels in the Town would be affected by the increased scope of the map. This seems hard to believe since almost everyone on our board and plan commission can see that they, personally, would be affected, on some portion of their property. We have not received a revised list but when we do, we would encourage Dane County to hold a special local public hearing here. Many Towns in Dane County will see almost no impact due to the scope of this new map. Our Town will be broadly and almost universally targeted so it would seem fair to hold at least one public hearing here.

In conclusion, members of the Mazomanie Town Board and Land Plan Commission would like to urge the steering committee to maintain the current 100 year flood plain as the ONLY map that prohibits construction. We believe that other maps (including steep slopes, hydric soils and the 500 year flood plain) should be made available on Access Dane and to Dane County Towns in large format on an informational basis, but NOT prohibiting development.

X	X
Fred Wolf Chairman	Melody Moore Supervisor

X	X
Dan Behringer Supervisor	Carrie Richard Supervisor

X
Maria Van Cleve Clerk