
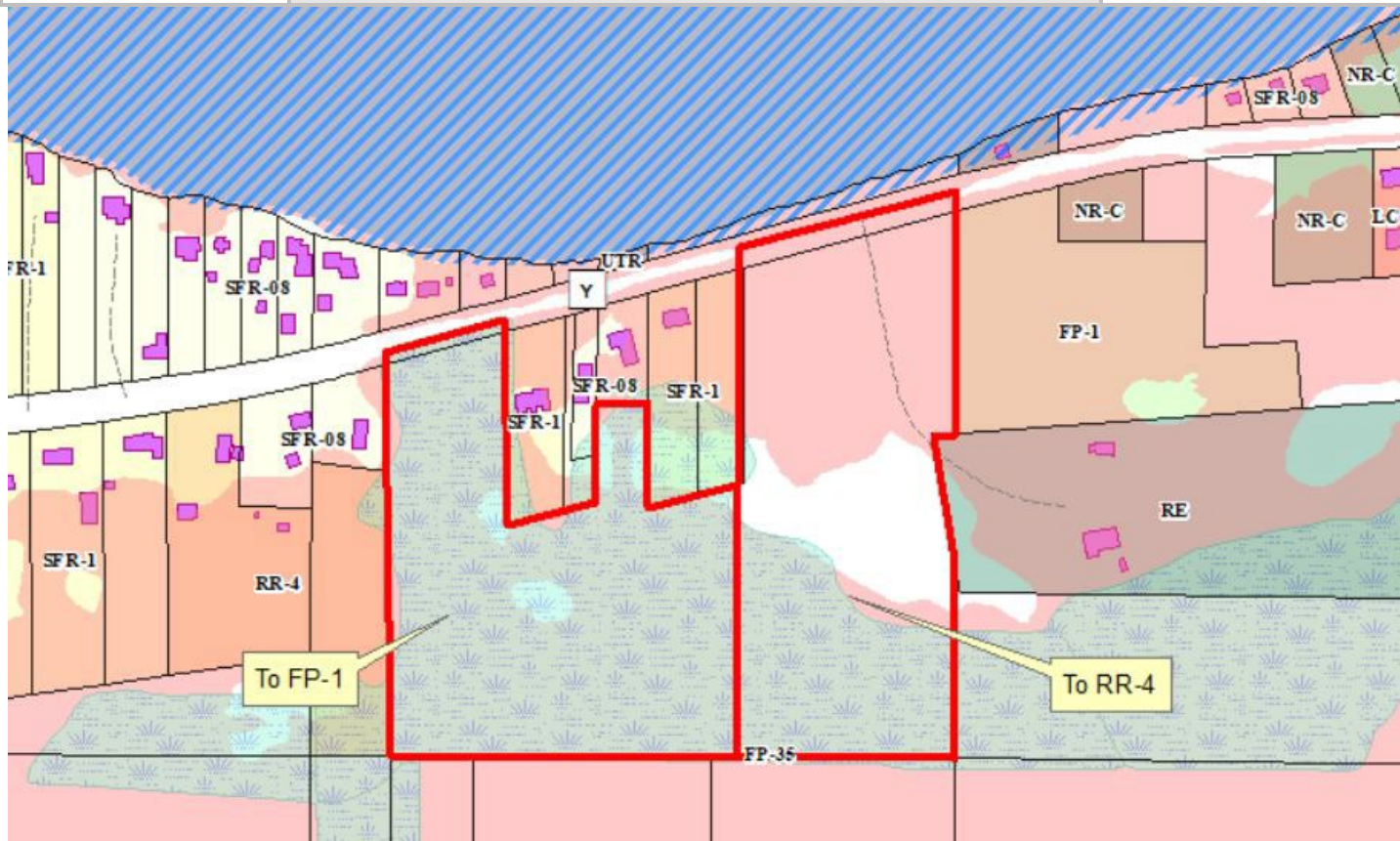


Staff Report  Zoning & Land Regulation Committee	Public Hearing: February 25, 2025 Report updated for the June 24, 2025 ZLR meeting		Petition 12137
	Zoning Amendment Requested: FP-35 Farmland Preservation District TO RR-4 Rural Residential District, FP-35 Farmland Preservation District TO FP-1 Farmland Preservation District		Town, Section: MAZOMANIE, Section 22
	Size: 10.7,10.9 Acres	Survey Required: Yes	Applicant: THOMAS AND AMY VILS
	Reason for the request: Create two residential lots and one agricultural lot		Address: SOUTH OF 10078 COUNTY HIGHWAY Y



DESCRIPTION: Tom Vils would like to create two residential lots with RR-4 zoning, 5.3 and 5.5 acres respectively, as future home sites for his sons. The remaining lands would be in 10.9-acre agricultural lot with FP-1 zoning.

OBSERVATIONS: The proposed lots conform to the requirements of the proposed zoning districts, including lot size and public road frontage. However, the residential lots contain mapped wetlands and floodplain so any development on these lots must meet wetland and floodplain zoning requirements. Staff has asked the applicant to provide more information to demonstrate how the lots would be able to meet these requirements (see Resource Protection comments below, and the Floodplain-Wetland exhibit map in meeting packet materials).

The applicants also own a small amount of land north of County Highway Y along the Wisconsin River. These lands will remain as unplatted, agricultural-zoned land as no change of land use or ownership is proposed there.

The proposed residential lots are in close proximity to a sportsmen's club and shooting range located on adjacent land to the east. However, the shooting range is oriented so that gunfire is directed eastward and away from the Vils property.

DANE COUNTY HIGHWAY: The lots are proposed to use the existing private driveway that currently serves this property and the sportsmen's club. County Highway Y is not a controlled access highway. An access permit to access Lots 2 and 3

is required from the Dane County Highway Department for the new use of the driveway. Applicant is advised to contact Kevin Eslick 608-283-1486 / eslick.kevin@danecounty.gov.

COMPREHENSIVE PLAN: The request is in the Agricultural Preservation Planning District. The Town of Mazomanie has a 1 home per 40 acres density policy. Approval of this petition will exhaust the remaining development rights on the original farm. The request is consistent with the Town's Comprehensive Plan and density policy. For questions about the town plan, contact Senior Planner Curt Kodl at (608) 266-4183 or Kodl.Curt@danecounty.gov.

RESOURCE PROTECTION: The property is located in close proximity to the Wisconsin River. Except for a small upland portion of the land, the property is within a mapped flood hazard area of the river (FEMA floodplain Zone AE), with an established base floodplain elevation **at the driveway location of 739.8 feet** above sea level. In addition, there are DNR-mapped wetlands and wetland indicators in the southern portion of the proposed residential lots. A 75-foot minimum setback/buffer to all structures, including buildings, driveways, and other hardscapes will apply.

At this time, Staff has concerns with the developability of the lots due to the wetlands, floodplain, high water table, and soil suitability for septic systems (see below). Given the amount of flood hazard and wetlands on site, a building envelope will need to be identified to avoid creating a lot that cannot be developed. As mapped, there is an upland area outside of floodplain that spans both of the proposed residential lots. The upland area appears sufficiently large for a home and septic system on the eastern lot (Lot 3). However, the upland area is very small on the western lot (Lot 2) which, combined with the 75-foot setback from wetlands, could make Lot 2 unbuildable unless the development was to occur within the mapped floodplain.



The applicant could address this in a couple of ways: a wetland delineation and/or developing within the floodplain. If the building envelope will be close to the wetland buffer line, then a wetland delineation is needed to verify the actual extent of wetlands on site, and establish where the 75-foot setback applies. Alternately, development could be shifted north, avoiding the wetland but located within the floodplain. Such development would be subject to floodplain development standards including elevating the residence to the flood protection elevation and providing fill around the structure. Currently Mr. Vils is working to obtain a wetland delineation; however, delineations must be done during the growing season so more time is needed to resolve this question. A wetland delineation will allow staff to review the building envelope and better evaluate site suitability.

The existing driveway access to the property is within the flood hazard area; this must be considered as part of the highway access permit (currently in progress). It would help if the applicant provides written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event confirming no concern with the current driveway access, for emergency services in the event of a flood. If residential development occurs within the floodplain, such assurance will be required or contiguous dryland access (on fill) will be required as part of the floodplain development permit.

Dane County Shoreland zoning applies on the north end of the residential lots, roughly 200 feet from the property line.

TOWN ACTION: The Mazomanie Town Board approved the petition with no conditions.

FEBRUARY 25, 2025 PUBLIC HEARING: On February 25th, the ZLR Committee held a public hearing on the proposal. The Committee postponed action to allow more time for the applicant to address questions and concerns raised by staff.

STAFF RECOMMENDATION (updated): At the public hearing, staff identified 6 items that required more information in order for staff to fully review the proposal and make appropriate recommendations to the ZLR Committee:

- 1) Information from Dane County Highway Department determining that the existing driveway can be used for the proposed residential development (access permit).
- 2) Letter from the Town of Mazomanie Emergency Services that states the property can be served by emergency services during a flood event (flooding of Hwy Y and private driveway).
- 3) Site plan depicting a building envelope on where development is proposed to be on the property.
- 4) Proposed elevation of the lowest level of the houses (basement) to ensure compliance with floodplain regulations and avoid problems with the high water table in the area.
- 5) A wetland delineation study, if the proposed development area is in the middle of the property.
- 6) Letter from Madison/Dane County Health Department noting that there is an area available on the property suitable for a septic system (soil study needed on property).

Since the hearing, the applicant has addressed all of these items. He has worked with the Highway Department on future site access, to the satisfaction of Highway Staff. He obtained a letter from the Black Earth Joint Fire District confirming the driveway is adequate for emergency access (see March 4th email from Deputy Chief / Fire Marshal Mitch Hodson). He has obtained a wetland identification report from the DNR verifying that wetlands are not present within the residential lots (see 5/6/2025 DNR Wetland Report). He provided a Building Envelope Exhibit that depicts a building envelope on both lots, outside the floodplain and wetland buffer areas (see 5/1/2025 exhibit). Additionally, he has agreed to set a minimum elevation level for basement at or above 740 feet to meet floodplain development standards. Sec. 17.09(3)1 states: "The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of s. 17.09(3)(a)2. can be met. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure." Staff suggests a CSM note and a deed restriction as conditions of approval, so that a site grading plan can be provided at the time a Zoning Permit is applied for.

Staff recommends approval subject to the applicant recording the CSM for the new lots and the following conditions:

1. A note shall be added to the certified survey map which states, "The property has indicators which identify the area is prone to flooding. Any crawl space or basement floor level shall have an elevation no lower than 740 feet ASL".
2. A deed restriction shall be recorded on Lot 2 & 3 stating the following:
 - a. With Base Flood elevation at 740 feet ASL, the minimum level for a basement or crawlspace will need to be at or above 740 feet and the lowest level at or above 742 feet in order to meet devilmint standards in the Dane County Chapter 17 Floodplain ordinance. A site grading plan shall be required with any application for a zoning permit.
 - b. This property is located adjacent to a gun club operation that was approved to operate under a conditional use permit. The landowner or future landowners are hereby notified that the gun club activity involves shooting and noise that may be of nuisance. Any development of this property should take into account the ongoing nearby gun club operation.

Please contact Rachel Holloway at (608) 266-9084 or holloway.rachel@danecounty.gov if you have questions about this petition or staff report.