

Town of Union PLAN COMMISSION MEETING Minutes of March 26, 2009

The Town of Union Plan Commission regular meeting was called to order at 7:01 p.m. on Thursday, March 26, 2009 at the Eager Free Public Library, 39 W. Main St., Evansville, WI by Chairman Alvin Francis. Members in attendance included Doug Lee, Doug Zweizig, Kim Gruebling, Dave Pestor, Eric Larsen, Building Inspector Bob Fahey, Town Engineer Greg Hofmeister, and Clerk Regina Ylvisaker. Town Chairman Kendall Schneider and Town Supervisors George Franklin and Don Krajeck were also in attendance.

Approve February 26, 2009 Plan Commission Minutes

Motion to approve made by Doug Zweizig. Second by Eric Larsen.

Alvin Francis noted that an "s" should be added to the statement on page 2, paragraph 2: should be changed to read: "This doesn't include the groundwater pumped from existing or future high capacity wells in the town but does take into consideration the Evansville wells."

Motion to approve minutes as corrected approved by unanimous voice vote.

Public Hearing: Review and recommendation of action on request made by Jeffrey Trumpy, 17802 W. Holt Rd., Brooklyn, WI for a land division and zoning change to separate off buildings and 15.5 acres from the existing 155 acre parcel located in the SW ¼, NE ¼ of Section 6, parcel #6-20-38. The current parcel is zoned A-1; the resulting 15.5 acre parcel would be rezoned A-2, and the parent parcel would retain A-1 zoning.

Public hearing opened at 7:05 pm.

Ryan Combs was in attendance representing Jeff Trumpy.

Combs explained that there were buildings on the lot, but not residential buildings, which is the reason for the scoring on that portion of the scoring sheet. Kim Gruebling felt that a score of zero would be more appropriate, as it is very specific in referencing "residential dwellings." This change would make a significant difference on the score total.

Drew MacKendrick questioned how the parcel would be accessed, and where it would be located. Trumpy stated that the access point would remain the same as it is now for the grain bins. MacKendrick stated that it was his understanding that the A-2 zoning classification is to be used for prime farm land, and that is how it has historically been used. The grain bins have been used as something of a commercial operation, and it was mentioned in a 2007 meeting that there were a number of trucks using Holt Road on an hourly basis to access the bins, causing concern. MacKendrick understands that according to the zoning code, a conditional use permit would be needed for such an operation, and one currently does not exist. Currently 18 adjacent parcels are residential; grain bins are not compatible with the surrounding residential use of the

surrounding land. He believes a public hearing is needed on what the parcel will be used for. Combs stated that the intended use will not change, and the need for a zoning change is due to the size of the lot and dictated by the Town's zoning code. MacKendrick is concerned that additional commercial use will result. Zweizig commented that he had a similar question, as the intended use of the parcel was not stated on application. Trumpy explained that he is trying to downsize, and Klondike Farms is interested in purchasing the property. Peak capacity for the bins would be 168,000 bushels; there is no natural gas connection at the bins at this time, it has not been cost feasible to install one.

It was clarified that this request would technically create one building site, as the resident owner may have a residence on site.

Combs clarified that the intent is to keep the parcel prime farmland, but any changes would be up to the future owner.

It was asked if A-2 zoning provides for more commercial farming rights than A-1 zoning? It does not.

George Franklin asked for clarification of the size of the parcel, as tax rolls list different acreage. Trumpy stated that the farm is actually 161 acres, down to 155 acres once all the roads are removed. Franklin commented that the map he has states 145-146 acres. Trumpy believes that is the acreage the tax rolls state.

Francis read in the email from resident Jean Larsen objecting to the land division:

We will not be able to attend the meeting of the Plan Commission tonight.

We are writing to oppose the development of 15.5 acres located in the SW ¼, NE ¼ of Section 6, parcel #6-20-38.

*Mr. Trumpy approached the Plan Commission back in December 2007, at which time he was informed to come back to the committee when he had developed an entire plan to the development of his property. With the information being provided to the committee, he once again is trying to divide his farm into little developments. The intent of him dividing 15.5 acres of A1 land to A2, adjacent to his current development, speaks of an additional housing development. Nowhere in his request does he state **why** this 15.5 acres needs to be divided and rezoned. In our opinion, this request is his attempt to strong arm the Town of Union by requesting a change from A1 to A2, and at a later date, approach the Town of Union for the development of this 15.5 acre parcel into several separate building sites based on the fact that it is no longer zoned A1 and part of the original farm.*

An article that appeared in the Wisconsin State Journal on Sunday, March 22, 2009 states the Governor Doyle is trying to slow farmland loss. The article addresses Wisconsin farmland being developed. His proposal would redirect tens of millions of dollars to keep farms from being sold for development. It is obvious, that the decline in agricultural land has become a major concern.

There has been no attempt to address the following problems with this land division and zoning request.

- 1. The amount of traffic on Holt Road is a extreme hazard. The road was not designed, nor has it been revised to handle the increased traffic.*
- 2. The loss of valuable A1 agricultural farmland to A2.*

3. Nowhere on the sketch provided by Mr. Trumpy, does it provide a detailed map of how the development is going to be laid out. Are we looking at future commercial grain operation, 3 lots, or 15 lots. Is access to the development once again going to be on Holt Road.
4. There are still lots for sale in his most recent division on Crocker Road. With the current economic situation, we don't feel there is a huge demand for additional lots in the area.
5. Has Mr. Trumpy looked at the environmental impact to the area.
6. Has Mr. Trumpy addressed concerns as far as water runoff, retention ponds, future growth.
7. If this development is approved, who is going to pay the cost of installing roads.
8. Who will pay the cost of fixing Holt Road, to decrease its safety concerns/hazards.

*As taxpayers, we feel that it is time for the Town of Union to take the stance of preserving valuable farmland. It would speak highly of the Town of Union, to join with other townships in the area in doing this. The Town of Dunn has already bought development rights from farmers to preserve farmland. After having lengthy discussions with families, still trying to maintain their family farms, when surrounded by development, they say how this task is often extremely difficult. Often times, they are being forced to discontinue the operation of their farms to satisfy the housing development. Isn't it time, as a township, we take a look at the whole picture and do what is best for **all taxpayers**.*

Thank you.

*Jean and Randy Larsen
17918 W. Holt Road
Brooklyn, WI 53521*

MackKendrick brought up an issue with drainage on the site, stating that 90 acres drains through the middle of the property, and there are times when the road is iced over and water will run right over the road. He felt that considering the grain bins are already bermed and diked, there is obviously already a concern with water.

Regarding access to the parcel, Trumpy stated that he currently uses Ron Templeton's driveway on the other side of the tracks, and pays him some rent to use it in the spring and fall. There is no agreement or easement in place regarding this agreement.

Kendall Schneider questioned the width of the right of way to triangular parcel that accesses the remainder of parcel on other side of tracks; per Combs, it is approximately 50'-70' wide.

Doug Lee is concerned about the size and shape of land division and the left over "flag lot", which is only accessible as long as Ron Templeton allows his drive to be used. Gruebling stated that "flag lots" were an item the Town specifically wanted to avoid creating. Larsen felt that the concern about "flag lots" was more for residential lots than farmland but agrees that it is an issue. Trumpy stated that it is his understanding according to the deed abstract that the railroad tracks were always to stay with the parent farm; he believes this was an issue when the first residential lots were created.

Gruebling questioned why it is necessary to sell the land, instead of utilizing a long-term lease on the bins. Trumpy explained that he would like to sell the land and pay off some debt. Gruebling asked why he couldn't sell the whole piece of property at a later date and lease the bins now. Trumpy feels that overall, farmers want to own things, and don't want to maintain things they are leasing which makes him financially responsible for maintaining the bins during a lease.

Larsen asked why the remainder of the acreage is being separated with the bins, and why the "flag lot" isn't included as well. Combs explained that currently Trumpy is using the neighbor's driveway, with possible new owners he might not have that option and therefore would like to retain an access route. Lee asked for clarification that currently there is no legal access to the property other than a neighbor agreement and a cattle crossing under the tracks. Trumpy stated that is correct, and many other farmers in the area have a berm over the tracks for access. Combs explained that additionally, a surveyor cannot legally create a parcel without road frontage.

Franklin asked if there is a crossing over the tracks to those parcels at this time; Trumpy stated a crossing does not exist now. He had obtained an agreement from Chicago Northwestern Railroad to put one in, but they were then sold to Southern Pacific and he is unsure if there is still an agreement in place. His long term intention is to talk to his neighbors and have the last pieces absorbed by them through purchases over time.

Mackendrick doesn't think there is a clear understanding of what the railroad right of way is, and whether a berm can be built over it or not. Francis stated that there are berms currently in use over the tracks; he farmed land with one for many years. Mackendrick still felt that the question remains open as to how the permissions for the berms are obtained.

Public hearing closed at 7:49 pm.

Bob Fahey stated that it is his understanding is that CUPs are meant for operations like Landmark, Cenex, etc. who are storing grain for customers. Storing your own grain would not be a commercial operation, and should not require a CUP.

Motion to recommend the Board deny the request made by Jeffrey Trumpy, 17802 W. Holt Rd., Brooklyn, WI for a land division and zoning change to separate off buildings and 15.5 acres from the existing 155 acre parcel #6-20-38, with the resulting 15.5 acre parcel being rezoned A-2, and the parent parcel retaining A-1 zoning, as the request does not fit with the Town's Smart Growth Plan and it will create a "flag lot" which the Plan Commission has specifically identified as an unwanted lot style made by Kim Gruebling. Second by Eric Larsen.

Renee Exum stated she does not have a problem with the rezone, she has a problem with the remaining lot and its inaccessibility. Larsen, Lee, Doug Zweizig agreed with Exum's view. Zweizig questioned how this problem could be addressed by Trumpy. Gruebling noted that the Plan Commission did not receive enough information regarding several issues, including legal access to the "flag lot," driveway visibility and width. Larsen stated he would be more comfortable with the request if there was more, better access to the other lot. Trumpy is willing to increase the size of the access strip to meet state requirements, and return next month with an adjusted request.

Zweizig would like to see an easement to the second parcel; another issue to address is sight lines and meeting state requirements for the driveway; a third issue is the possibility of deed restricting the property. Larsen commented he would have a hard time deed restricting the property as a portion of it is labeled as residential in the Smart Growth Plan.

Motion withdrawn by Kim Gruebling. Second by Eric Larsen.

Motion to table request until April Plan Commission meeting, and request applicants to address the issues of 1) regular access to the triangle, 2) adequate driveway access to Holt Road to address vision issues, and 3) proposals to address the Plan Commission's concerns with the "flag lot" made by Doug Zweizig. Second by Renee Exum. with a way to have regular access to the triangle, and adequate driveway access to holt road to address vision issues, and proposals to address our concerns about a flag lot made by Doug Z. Second by Renee Exum.

Roll call vote: Alvin Francis– Yes; Doug Zweizig – Yes; Kim Gruebling – Yes; Dave Pestor – Yes; Doug Lee – Yes; Eric Larsen – Yes; Renee Exum - Yes. Motion carried 7-0.

Public Hearing: Review and recommendation of action on request made by Robert Jorgensen, Keith Jorgensen, and Eric Jorgensen, 14638 W. Bullard Rd., Evansville, WI for a land division and zoning change to separate off buildings and 10 acres from the existing 129.35 acre parcel located in the NW ¼ of section 15, parcel #6-20-117A. The current parcel is zoned A-1; the resulting 10 acre parcel would be zoned A-2, and the parent parcel would retain A-1 zoning.

Public hearing opened at 8:21 pm.

Francis asked the applicants why they chose to separate off 10 acres instead of using a CUP to separate the farm buildings. Bob Jorgensen stated that they decided on 10 acres because of the size of buildings, they alone sit on almost 3 acres and a 5 acre lot wouldn't leave much land. Also, 10 acres would allow for 10 animal units, if someone wanted horses, etc.

Franklin is close to the land in question, and thinks it is a good idea to separate off 10 acres. It seems there are more people with horses in the country now, and this size parcel would allow owner to have 5 acres of hay to feed their animals. Larsen agrees, states it is hard even in this market to find property with enough land for horses. Franklin felt he would not go with less than 10 acres for the parcel size.

Paul Hagen has farmed the surrounding land for quite a while, and likes the idea that there is a square lot to farm around; he is a neighbor and the land has been in the family for a long time. Feels the family is doing what they need to do under the circumstances and doesn't feel it is an unreasonable request at all. Franklin stated if 10 acres is more than a buyer wants to utilize, they could easily rent it out to Hagen who is currently farming the surrounding land.

Francis thinks that the automatic approval of a house on A1 & A2 parcels should be reconsidered.

Public hearing closed at 8:31 p.m.

Gruebling expressed concern with approving a larger number of acres than usual, and what implications this may have in the future; Francis clarified that other size parcels have been approved under CUPs without zoning changes. Fahey stated that larger size parcels have been approved in the past due to the size of farm buildings.

Motion to recommend to the Town Board approving the request made by Robert Jorgensen, Keith Jorgensen, and Eric Jorgensen, 14638 W. Bullard Rd., Evansville, WI

for a land division and zoning change to separate off buildings and 10 acres from the existing 129.35 acre parcel located in the NW ¼ of section 15, parcel #6-20-117A. The current parcel is zoned A-1; the resulting 10 acre parcel would be zoned A-2, and the parent parcel would retain A-1 zoning made by Eric Larsen. Second by Doug Zweizig.

Roll call vote: Alvin Francis– Yes; Doug Zweizig – Yes; Kim Gruebling – Yes; Dave Pestor – Yes; Doug Lee – Yes; Eric Larsen – Yes; Renee Exum - Yes. Motion carried 7-0.

Howard Krueger wished to state how impressed he is with the Plan Commission and their work, and requested that the members introduce themselves at the beginning of each meeting for those attendees that are not familiar with the members. Members introduced themselves at that time.

Review and discussion of possible amendments and updates to the Town of Union Comprehensive Plan, including Intergovernmental Cooperation and Land Use sections.

“Right to Farm Law” information was distributed by Exum.

Motion to attach the following statement to CSMs for all land divisions made by Doug Zweizig: “The above describes premises may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by Wisconsin’s “Right to Farm” Law.” Second by Renee Exum. Motion carried by unanimous voice vote.

Parkland dedication issue: Kendall Schneider stated he had researched the issue and believes the 5% amount used currently should remain in place, as it has been used for 20+ years. If dollar amounts were used they would need to be changed continually to keep up with changing land values. In the past, the Town used per-lot figures that the City of Evansville was using when payment in lieu of land was allowed.

Archaeological survey info update from Zweizig: reviewed an email received from the State Historical Society. Zweizig will draft language and will present at the next meeting.

Page 3 of Intergovernmental Cooperation section: Motion to add, under “Objective: To continue to nurture strong, collaborative relationships with the surrounding townships, County, school districts and fire districts”, action item “to support & participate in the economic development of surrounding communities”, made by Eric Larsen. Second by Kim Gruebling. Motion carried by unanimous voice vote.

Motion to adjourn made by Kim Gruebling. Second by Eric Larsen. Motion carried by unanimous voice vote. Meeting adjourned at 9:42 pm.

Respectfully submitted by:
Regina Ylvisaker, Clerk

Note: minutes are considered draft until reviewed and approved by the Plan Commission at a properly noticed meeting.

