

Town of Union
PLAN COMMISSION MONTHLY MEETING
Minutes of July 26, 2012

The Town of Union Plan Commission monthly meeting was called to order by Chairman Alvin Francis at 7:00 p.m. on Thursday, July 26, 2012 at the Evansville Fire Station, 425 Water St., Evansville, WI. Members in attendance included Chairman Francis, Ed Levin, Dave Pestor, Eric Larsen, and Bill Thomas. Supervisor Kim Gruebling and Clerk Regina Ylvisaker were also in attendance.

Approve June 28, 2012 meeting minutes

Motion to approve the minutes of the June 28, 2012 meeting as written made by Thomas/Levin. Motion carried by unanimous voice vote.

Public comment (10 minutes max. per issue)

No comments.

Public Hearing: Review of Conditional Use Permit held by Scott McElroy, 18047 W. Croft Rd., to raise 100 animal units on parcel 6-20-257.3, located on the south side of W. Croft Road between Hwy 104 and Pleasant Prairie Rd. in the NE 1/4, SW 1/4 of Section 31, which is zoned A3.

Clerk Ylvisaker distributed renewal information received from McElroy via email. McElroy was unable to attend the Plan Commission meeting; the Commission may either make a recommendation to the Board tonight or table until the August meeting when McElroy is able to be present. The group feels they are able to make a recommendation tonight without McElroy's presence.

Tom Sweeney explained that NR 151 states that if a landowner increases the number of animal units on site by 20%, they have to come into compliance with NR 151 and submit a new waste management plan that includes agreements with neighboring landowners to spread manure. Although the CUP being reviewed is for 100 animal units, McElroy currently has 12 animals and therefore increasing that number (12) by 20% would prompt the requirement to come into compliance with NR 151.

The Commission would like to add the following requirement to the CUP: "if landowner increases the number of animal units on site by 20%, they must come into compliance with NR 151 and submit a new waste management plan that includes agreements with neighboring landowners to spread manure for a minimum of 5 years." The Commission also discussed increasing the length of time between reviews of the CUP; the length of agreements with neighbors should run concurrent with the length of the CUP renewals. Agreed by all to require 5 year agreements with neighbors for spreading manure, and recommend extending the permit for a period of 5 years.

Motion to recommend to the Town Board renewal of the Conditional Use Permit held by Scott McElroy, 18047 W. Croft Rd., to raise 100 animal units on parcel 6-20-257.3, located on the south side of W. Croft Road between Hwy 104 and Pleasant Prairie Rd. in the NE 1/4, SW 1/4 of Section 31, which is zoned A3, for a period of 5 years, with the additional requirement that if the landowner increases the number of animal units on site by 20%, they must come into compliance with NR 151 and submit a new waste management plan that includes agreements

with neighboring landowners to spread manure for a minimum of five years made by Larsen/Levin. Motion carried by unanimous voice vote.

Discussion: Review and Update of Town of Union Farmland Preservation Plan, including areas eligible for inclusion and DATCP model ordinance

Colin Byrnes addressed the question of whether an individual can participate in the Farmland Preservation Program without the Town having their own farmland preservation plan:

A landowner can have a Farmland Preservation agreement without having a certified zoning ordinance, but it has to be in an area covered by a farmland plan and it has to be in an Ag Enterprise Area. Sec. (91.60(2)). refers to this scenario:

91.60 Farmland preservation agreements; general.

- (1) Agreements authorized. The department may enter into a farmland preservation agreement that complies with s. [91.62](#) with the owner of land that is eligible under sub. [\(2\)](#).
- (2) Eligible land. Land is eligible if all of the following apply:
 - (a) The land is operated as part of a farm that produced at least \$6,000 in gross farm revenues during the taxable year preceding the year in which the owner applies for a farmland preservation agreement or a total of at least \$18,000 in gross farm revenues during the last 3 taxable years preceding the year in which the owner applies for a farmland preservation agreement.
 - (b) The land is located in a farmland preservation area identified in a certified farmland preservation plan.
 - (c) The land is in an agricultural enterprise area designated under s. [91.84](#).

Therefore the only way an individual can get farmland money without Union certifying the A-1 Zoning District is to still have an approved preservation plan and to have the individual or group located within a AEA. The AEA is a separate step. Is it more burdensome for a landowner to go this route? An AEA needs the blessing of the municipality, 5 land owners and preference to those that have at least 1,000 acres. It appears it would be easier if the Town was set to go (certified plan & ordinance) and a landowner takes care of it themselves via an individual tax filing.

Tom Sweeney clarified that AEAs have to have minimum of six participants and over 1,000 acres, as well as a unique cropping situation. Landowners could put together an AEA application on their own even if the Town didn't have their own farmland preservation plan. It is advantageous for the Town to both encourage AEAs and do the farmland preservation zoning. Rock County has about 750 farmland preservation participants, and have received about 200 nutrient management plans from participants this year. Plans can be hand written or done on a computer program; landowners can do the plan themselves or have someone like a coop do it for them. The County tries to be as flexible as possible with the plans. Sweeney stated that landowners cannot get tax credits through farmland preservation if the Town does not participate.

Dave Pestor is concerned that the program benefits large corporate farms only and does not benefit the small farmer. AEAs create large land blocks.

Paul Benjamin clarified that law changes have allowed smaller farmers to participate in the FPP, as the 35 acre minimum size has been eliminated and any size acreage can participate.

Benjamin also reported that Department of Revenue provided numbers regarding participation in the FPP. During 2010, 32 farmers with addresses in the Town of Union received \$21,290 in tax credits covering 6,900 acres. Also during 2010, 31 farmers with City of Evansville addresses received \$27,000 in tax credits; are unsure if these farmers are in the Town of Union or Town of Magnolia.

Alan Sweeney has land enrolled in the FPP and noted that the nutrient management plan addresses the issue of phosphorous, which is being regulated by the government and phosphorous loads must be reduced which will be an issue that farmers will have to deal with in the near future.

Requesting the two year extension to the zoning ordinance certification is an easy way to extend the amount of time the Town has to make decisions about the program and participation. County still needs to complete their mapping and would like to work with the Town to complete that portion. County representatives are willing to attend meetings as needed.

A motion was made and seconded to continue the Plan Commission's Farmland Preservation planning activities. The motion carried 3-2.

Discussion: Methods of restriction on development in ag areas

It was requested that the August Plan Commission begin at 6:00 p.m. The meeting will consist of work on the ag zoning map for the County, with assistance from County staff.

Motion to adjourn made by Larsen/Thomas. Motion carried by unanimous voice vote. Meeting adjourned at 8:32 p.m.

Respectfully submitted by Clerk Regina Ylvisaker.

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