

Ag Land Preservation Committee meeting minutes (8/21/17)

- Duane calls meeting to order and is second by Doug, and then by Dave
- Motion to approve posting of prior meeting minutes by Duane and second by Mary
- Motion to approve minute content by Duane and followed by Nancy/Dave
- Motion to approve land use committee meeting minutes by Jim and second by Scott

2 guest speakers joined our group

- 1) Dan Birrenkott who is a soil map expert
- 2) Scott Godfrey who has expertise in county planning

Question and answer format was the bulk of this week's meeting

Question

(Duane) : Can you tell our group what is the difference in soil class types 1-3

Ans(Dan):

- The data for most soil map analysis was completed between 1964 and 1972
- Far from scientific as the modern- day tools simply were not available back then... such as boring
- “artists” walked the land contours with shovel in hand. They looked for the quality of soils, evidence of bedrock, erosion and slope
- Significant evidence of bedrock present resulted in a class 4 designation
- Evidence of deep loamy soil..... class 1
- Combinations of the above fell into 2/3
- Dan stressed that these soil maps provide a decent indication of soil types at that time. But they are not 100% accurate and depending very much on the sampler and their approach

Question

(Unk/didn't ID): Can you please describe the current best practice in determining soil types today

Ans(Dan): well they are not being done outside of things like septic analysis. Haven't been formally done since the 60's/ 70's

Question

(Unk/didn't ID): So are you saying that the class 1-3 classifications are inaccurate then?

Ans (Dan): No I am not. I am saying that they are an indication only of soil type that existed at the time of study

Question

(Mary): Is there a difference between a soil scientist and a tester

Ans(Dan): I am not aware of the difference

Statement (Nancy) comments then that the soil scientist must be the one with the actual degree

Question(Scott): We have to ask ourselves what it is exactly that we are trying to achieve with our current plan???

Ans(Nancy): To preserve farmland and the rural character of this town

Question (Jason C): Can you tell us how slope can impact soil types 1-3

Ans(Dan): Slope is indeed important. The steeper the land, the greater the erosion factor and typically graded above 1-3

Question (Tammy): What would you use in addition to soil maps to define prime ag?

Ans(Scott) :

- Can consider historical use maps
- I would suggest you need to define what is true farm land to see what you really want to preserve
- Aerial photography and satellite imagery also can be considered

Question(Mike)) Exactly how far do you go with restrictions before you are infringing on property rights

Ans(Scott): Well that very much depends on the landowner you ask and where their interests are.

Question(unk, did not ID): so are you saying our current ag plan is flawed?

Ans(Mike S interjects) : I say it definitely is and he provides an on point driveway placement example

Nancy responds “ I think this group can find a way to meet somewhere in the middle as it seems driveway placement is a common sticking point

Dave responds “ there are also other issues such as house placement” Several participants agree

Question(Duane): Back to slope.... Are you saying that slope = lesser quality?

Ans(Scott): Let’s take a step back and again..... I think you need to clearly define what you are trying to preserve. Is it farmland, rural character or both? Define your highest priorities then think through exactly what steps you need to put in place to achieve them

Statement(John N): our concern is Madison encroachment

Question(Unk, didn’t ID): What are other counties/towns doing if they are not using soil maps to control development?

Ans(Scott) :

- Brigham is to my knowledge the only town relying strictly on soil maps
- Some towns rely on density standards
- I think you really need to consider roads in your plan and how you direct development
- Other towns have had success using a “sighting ordinance” This allows for development yet preserves the rural character/views
- Most towns have a minimum lot size much like Brigham. Also land split limitations/deed restriction
- Some towns leverage a program that allows landowners to purchase development rights

Statement(John N): lot size restrictions with split limitations just delays development

Question(Jason C): Can you please provide your view on lot size and density standards

Ans(Scott):

- Depends very much on the economy. When people have money, they are open to buying more land and are OK with larger lot minimums
- But that can price many out of the market
- That can also backfire on you and cites the town of Bristol as an example of that
- You can also put in place Maximum lot restrictions which helps prevent farmland segmentation
- Or put in place a clustering of lots approach with incentives to landowners to reduce lot size within that parcel

Question(Jason C): Our current language prohibits any building on class 1,2,3 soils. And our town has relied solely on soil maps. My question is how accurate are the topo lines that we carefully adhere to when it comes to land use decisions?

Ans(Scott) :

- Accurate to what degree is the true question
- Again, you first need to define “productive farmland” and what exactly you are trying to preserve
- Can rely on a combination of soil maps, historical land use maps and land yields
- You also need to consider the size of that parcel and contiguous parcels to determine if it is truly farmland. Can it even be practically farmed?
- Then look at “should this land be preserved for future ag use”
- Some towns have assigned a point threshold considering the above and other points outlined in their plan

Dan then interjects..... I would like to add that anytime you manipulate or enlarge a map ,the lines definitely becomes inaccurate. So the enlarged soil maps we have in these books (points to them) definitely have an element of that problem. Then talks about GIS mapping examples

Mike S interjects..... “I purchased my farm back in the 1980s and I can tell you first hand that my farms soil has changed immensely over time

Question(Greg): Soil maps are useful for both farmland protection and residential development control..... can you recommend a towns plan that works better

Ans(Scott): If I had to pick a few, I would say look at the town of Clyde and the town of Wyoming. Nothing is perfect but they seem to be happy with their “sight ordinance “in place. This definitely preserves their views and vistas. I will say that many towns have ditched minimum lot size and moved to density standards instead. The issue is many people are priced out when they cant afford to purchase that much land to meet that standard. Now I will also acknowledge that the town of Clyde and Wyoming are different than Brigham in that they do not have a major highway running through the middle of the town. I would say you could also consider 2 standards. Perhaps a North and South standard. The South is where most of your prime farmland lies

Statement (Judy) : brings up the need for another town survey and numerous people interject supporting that need

Statement (Bill): I disagree that a survey is needed as I have faith this committee does consider all sides

Question(Heidi): do you know how many new houses or new farms were formed in the last 5 years?

Ans(Duane): Again.... I think we need to define farming and farm

Question(Tammy): What sized lot is required these days for a safe septic system

Ans(Scott/Dan): 5 acres is clearly overkill. Modern septic systems today require much less area. Also, modern septic systems are easily repairable. And, the most common cause of failure is user error in terms of what is put into the system. If you spend enough money, you can put a septic system on this table

Question(Judy P): is anyone studying water use and what our township can sustain in terms of development

Ans(Scott): KAFO's are not allowed so this hasn't been a burning issue in county

Question(Tammy): What is the quality of the water in Brigham and do we have any concerns with future development?

Ans(Scott): Well there is as you know a lot of fractured bedrock in many parts of this township so there is always the potential for a Kewannee situation. But that potential is really attributed to very large farms and the pressure that places on the environment. There are many causes of tainted groundwater. Many of which occur naturally

Question(Mary) If "Prime soil" was deleted from our plan, what would be your #1 way/recommendation to control growth?

Ans(Scott): I can't say. Again, it comes back to what you are trying to accomplish as a town

Question(Allan P) I read an article recently on density planning. Do you think "clustering" is a good option in controlling development

Ans(Scott) Clustering along with maximum lot size , zoning overlays/deed restrictions and incentives to landowners to consider smaller more clustered development are definitely things we should consider and weigh

Question(Allan P) Can a Town or County legally place a limit on the # of approved building permits for new homes

Ans(Scott): Careful what you ask for and the town of Bristol example mentioned

Question (Jerry) You have definitely opened up the box of ideas here tonight. But my question is this..... do we really have the time to redo this entire plan to consider those ideas?

Statement (Dave): I don't think anyone here is talking about blowing up the entire plan. Rather, we are talking about 2 issues that we need to revisit. Land use and ag protection. How can we tweak the current plan to provide our town board with more flexibility needed to meet both the towns desires and landowner needs/rights

Statement(Bill L): Back to this request for a survey. I think we are at the point where we need to simply draft a plan, submit it to the town residents for feedback. That is your survey

Statement(Tony) How much time and how many meetings does it take to rehash the same points. We need a definite deadline folks. Let's focus on reaching an agreement on compromise

Statement/ Ques(Tammy) I agree. It seems like we are spinning our wheels and are no further along at this point. So Scott... what do you suggest?

Ans(Scott) The problem with the initial plan was that there was an imposed tight deadline by the state. You can take the approach that Dodgeville has taken where they went through every single section of their plan, and when there was disagreement, the majority rules. Or you can also hire outside help if you are willing to spend the money

Statement (Duane) I think the planning consultants hired by the town did their job. We obtained ample town feedback on concerns and what is important to everyone. I don't think anyone here disagrees that preserving the rural character of this town is important to all. That said, there were also 2 clear problems identified in our current plan. Land use and ag protection via soil maps

Statement(Allan) I agree and I think we need to narrow our focus on these top 2 issues , seek input from all, develop options then hammer out change needed

Statement(Scott) added to that..... since surveys seem to be a common theme.... You may want to consider reaching out to places like UW Madison and their graduate program. Perhaps they have a graduate student that is majoring in Urban/Rural planning that would be willing to assist at little to no cost to the town

Statement(Mary): again stresses the need for a survey and reads off the verbiage on that issue in our current town plan. Mary also insists there wasn't enough notice to the town residents of the past meetings. States we didn't even send postcards to all

Statement(Duane) he disagrees and talks about the postings that did happen

Statement(Elizabeth)... I think we should check into the UW Madison avenue

Question(Mike S) What about the nature conservancy issue the town faces? Is that good for our township and ag preservation?

Ans(Jeff B) We use prime soils as the test for everything. What I am hearing is we need greater flexibility in our plan and we need to establish a vision

Statement(Duane) We need to focus on what changes need to be made. What are our options then we vote on those options

Question(Mary) Do most town plans clearly define variances?

Ans(Scott) yes, you should clearly define when it is appropriate as well as grounds for appeal

Question(Greg) is it true that a landowner cant subvert our plan by planting trees on prime soil then look to build on it ten years later?

Ans(Scott) Correct as the law/ plan stands now

Question(Doug R) What is the depth of prime soil class 1

Ans(Scott) cant answer that

Question(Tammy) does precedent matter in terms of variances granted?

Ans(Scott) yes legally you want to apply the same guide to all decisions. Consistent decisions do matter

Question(Rick A) I have a question on zoning categories and how that might apply to our situation

Ans(Scott) I wouldn't get hung up on zoning ordinances before defining what you really want to accomplish

Question for Dan(Mary)... Dan, do you believe there is enough validity in the current soil maps to leave things alone/ as it?

Ans(Dan) I would say they are a "guide" What is clear here is there is a lack of flexibility in the current plan. So relying on strict soil maps alone..... I would be careful with that

Statement(Jason C)

- Let me wrap up this meeting by walking us all through the history of all of this
- We have held countless meetings on this since 2016
- We hired the SE planning consultants and held two meetings to address resident concerns and ID issues with our current plan
- Those issues were crystal clear... land use and ag land preservation. And primarily how both issues as addressed in our current plan impact landowner rights
- He mentions 3 examples that come to his mind with residents participating in this meeting
- We formed 2 committees to address the issues identified
- Our goal with these is to narrow the focus, provide options/solutions then adopt reasonable change
- No one has said a survey is off the table
- But if we do a survey, it will not be "general" like the last one that went out 10 years ago

Statements (Greg and Jason) exchange words and differing views on the value of that initial survey

Statement(Duane) interjects and agrees the last survey was way too broad and general for our purposes today . His preference is to narrow the focus, develop options on both land use and ag protection, then submit those options to the board for a final decision. Asks if there are any other questions as we are out of time

Duane calls the meeting to an end. Second by Dave, third by Doug

Next meeting scheduled for Wed 9/27 at 6:30 pm