

Farmers shed light on garden plot operation

By Phillip Bock Editor | Posted: Tuesday, June 12, 2012 2:22 pm

The farmers tending land in controversial garden plots in the May Township shed new light on their operation and took steps toward bringing the operation into compliance during a town meeting June 7.

The land is owned by David Johnson, but the garden plot operation is headed by Robert Lor, an immigrant who moved to the United States from Laos in the 1970s. Lor said he signed a land use contract with Mr. Johnson in October of last year and he, along with his family and members of his church, farm roughly 100 acres — mostly by hand.

"Late last year we looked for land and we found Mr. Johnson's property was good enough and had good soil," Lor said. "But we are a poor family and don't have a lot of equipment to do it. We use small tools and sometimes farm by hand."

Lor said he has trouble communicating with Mr. Johnson and was only made aware of the Township's issues with the garden plots through reading an article in the May 9 Country Messenger newspaper. Copies of the draft garden plot ordinance given to Mr. Johnson by Chairman Bill Voedisch were never passed on or discussed with him, Lor said.

In response to complaints about the gardening operation last year, the Town Board developed a garden plot ordinance to regulate the impacts of the business — but, so far, the operation has not been brought into compliance with the ordinance.

Susan Stokes, an attorney attending the meeting on behalf of Mr. Lor, said the farmers were just recently made aware of the issues between Mr. Johnson and the Township and had concerns about how the garden plots would be addressed should the potential lawsuit against Johnson move forward.

Voedisch noted it was neighbor complaints that caused the Board to attempt to bring Mr. Johnson's properties into compliance, but that the landowner has ignored their requests, prompting the litigation.

"It's painful," Voedisch said of the litigation. "It's the town board versus a citizen. We absolutely hate this. It's not a good thing."

The Board said they would likely not act to stop the gardening operation this year due to the crops already being planted, but urged Lor to act in good faith and make an effort to obtain the special use permit required by the Town ordinance. They did note, however, that since Johnson was the lot owner he would have to eventually sign the application. Lor would then be a co-applicant.

Stokes said she felt that conditions in the ordinance would prevent the operation from being financially feasible.

"My view of the ordinance itself is that it vastly overreaches and I think it's on shaky legal ground," Stokes said. "We would be happy to engage in some discussions about ways to amend the ordinance to make it more reasonable."

Supervisor John Pazlar said the finer points could be worked out by going through the conditional use permit process.

"Study our ordinances and reconsider your conclusion about overreach and under-reach," Pazlar said. "I think you'll find that the parameters of this ordinance are vastly more generous than any of the other ordinances in terms of impacts allowed."

Another aspect of the garden plot operation that caught the attention of Board members was the sale of the produce to farmers' markets. According to Lor, about 20 percent of the harvested crop is used by the families, the other 80 percent is sold for profit at farmers' markets as the family's primary income — a use Board members said may violate the land's zoning, which is rural/residential.

"We are non-commercial and are zoned that way," Voedisch said. "We highly constrain the small businesses we have, about 27 of them, so they are invisible."

The Board stressed that their comprehensive plan is the only one around that focuses on the strict of not allowing obvious commercial uses of property. The impacts of those business, such as traffic and noise, is what causes citizen complaints, Voedisch said.

"We have traditional farms that are highly mechanized and people understand there is machinery out there," Voedisch said. "But there is not 30 cars and 100 people."

At the conclusion of the meeting, Lor said he would attempt to work with Mr. Johnson to fill out the conditional use permit application.

"During that process, if there are particular items in the ordinance you want to challenge, that can be part of application, but we need to keep going on it," Voedisch said. "But be forewarned. Don't stick any fertilizer on there this fall and expect to be operating next spring if we are in the same position we are right now."

In other business:

- The Township received a clean audit report from the firm Clifton-Larson-Allen. Officials with the company reported to the Board that the Township has a healthy fund balance and adequate accounting practices in place.
- The Board approved two certificates of compliance.
- Supervisor John Adams discussed a blockage that occurred in the 201 sewer system. The blockage

was fixed, but the cause of the problem is unknown. Adams noted the cause is still being researched and they may want to televise the line to determine the cause and prevent future problems.

- A contract for mowing was approved for \$30 an hour with an 84 total hour billing cap per month. The fee is a slight increase from \$25 last year.