

# Whose rights? Conflict is looming over how people can use the land

By Tony Ends  
Gazette Staff

Land belongs to landowners—to build on or develop, clear or plant, bulldoze or reforest, and generally do with as they please.

Or does it?

A brothel. A toxic waste dump. A drug house. A junk yard. All sorts of land uses are prohibited, monitored, restricted, or controlled for reasons of public health and safety, or to maintain social standards.

Some people argue that developing and building on rural land is a use apart from any other part of life. They argue for a landowner's rights to profit from property as needed or desired.

Others see a threatened source of food and wood; a loss of wildlife habitat; an end to income from agriculture, tourism and recreation. They argue for a group's responsibility to protect the Earth's resources for the good of all.

A conflict is brewing over land use, and in it a people may be facing their greatest challenge.

"I have five grandchildren," said Richard Post, 61, of Turtle Township. "The oldest will be 11 the first of the month. When he's 70, it's going to be a vicious thing."

"I think about this an awful lot, and I don't have all the answers. It's happening all over. I used to go to Denver to the livestock show in wintertime, and the last time I was there I couldn't believe how it was built up," Post said.

"Look at Madison. Look at Janesville. We all thought for years the interstate would be the line for development to the east. Look at how quickly building jumped the line. If you cover up all that soil, what are we going to do?"

for development on land that's capable of development in areas that don't build over good, productive farmland," he said.

"We've got to look way out to the future—more than 10 years into the future. We've got to protect that soil. My goal is to see to it that we have gradual development, but that it's more orderly development. I can foresee lawsuits, threats of annexation coming. The cities are going to have to help us establish a borderline and stick to it."

Turtle's planning and zoning committee with the help of Rock County Planning and Development Agency conducted a "Future Directions Survey" this past year. More than 400 people—of more than 1,000 surveyed—responded.

By more than 5-to-1 margins, Turtle residents agreed that the township should try to preserve family farms and farmland, and by a more than 3-to-1 margin they agreed that the town's government should set farmland preservation as a priority.

But when it came to a question of whether private land use should be based on owners' preferences or restricted by government regulations such as zoning, the resolve to protect land seemed to crumble. A clear majority, 58 percent of the residents, strongly or generally favored owners' preferences.

A majority of the residents, 53 percent, said they wanted the population in 10 years to be about the same size as it is now—2,463 people. A small number, 1.5 percent, even wanted the population to decrease. And almost 40 percent indicated they wanted moderate population growth.

Yet 50 percent agreed that marginal farmland should be allowed to be divided

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—Richard Post

Post has been Turtle Township's chairman for 29 years, and has served 34 years on the board. He is also in his fourth year as chairman of the Rock County unit of the Wisconsin Towns Association.

He provides leadership for the county's 20 townships. And through his leadership, Turtle Township passed a limited moratorium on building development at a special meeting this past December.

After farming for 26 years, Post sold off most of his land and went to work for the county highway department. He still keeps some sows and calves, and he restores some farm machinery. But the economic pressures on farming were too great, and he only farms 4.5 acres now as a hobby.

"It took us three-and-a-half years to develop a zoning ordinance. I was there; it was about 25 years ago," Post said. "We did two things wrong after that. We didn't follow the plan like we should have; I share the blame. And every five years we should have reexamined the plan to keep pace with change."

"Whether we like it or not, we've got to be hard-nosed about sticking to the development plan. We've got plenty of room

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work with Harmony officials to produce a development plan for the township according to standards 15 other townships had adopted since the county formulated them in the 1970s.

Less than two years into the process, Harmony came forward with its own planning map that varied greatly from Rock County's. Differences included:

- Environmental corridors used to preserve natural features and noting areas with poor soil conditions for development, such as steep slopes and poor drainage, had been largely eliminated from the planning map.

- Residential development on 400 acres had been added to about

1,500 acres that the existing plan had already designated for housing growth.

- About 160 acres of industrial property had been added to the proposed Harmony planning map, and it had been added in areas along Highway 14 that had been marked for neighborhood commercial growth.

- Parks/open space and public/semi-public land designations on the proposed map had been eliminated, including neighborhood parks, the I-90 rest area, the school building and Camp Rotamer.

No written explanation was given for the changes, and the town never responded to county planner Phil Blazkowski's correspondence or overtures to resolve the

difference's in the competing plans.

"Proposed land uses did not meet the standards that the county planning committee requires, and they sent it back to the town with their concerns," Blazkowski said, "and they never heard back from them."

Jim Woolstrum, who farms 1,300 acres from his 180-acre farm southeast of Milton in Harmony Township, had served on the town board for 16 years up until this year.

Woolstrum believes property owners should have some right to develop their land if they want to.

"What are we going to do if a person gets to be 65, and their land is worth \$2,000 an acre, and across

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