



MINUTES
ROCK COUNTY PDR/PACE AD HOC COMMITTEE
TUESDAY, AUGUST 18, 2009, 2:30 P.M.
COUNTY COURTHOUSE CONFERENCE ROOM
COURTHOUSE, JANESVILLE WI

1. **Call to Order:** Chair Sweeney called the meeting of the PDR/PACE Ad Hoc Committee to order at 2:30 p.m.

Committee Members Present: Chair Alan Sweeney, Julie Backenkeller, Bill Barlass, Rich Bostwick, Julie Christenson, Ronald Combs, Neil Deupree, Scott Farrington, Mark Gunn, Raymond Henschler, Fred Hookham, Don Jones, John Lader, Doug Marklein, Archie Morton, Dave Rebout, Charley Rusch, Todd Schmidt, and Neil Walter.

Committee Members Excused: Romona Flanigan.

Staff Present: Tom Sweeney, LCD; Randy Thompson, UWEX; Steve Schraufnagel, Planning; Kerry Houston, Planning; Mary Robb, Planning; Wade Thomson, Planning; Keith Foye, DATCP; and Lisa Schultz, DATCP.

Others Present: Katie Kuznacic, Phil Owens, Russ Podzilni, Larry Weidenfeld, and Mary Mawhinney and Harold Hanauska.

Refreshments were brought by Julie.

A mileage allowance sign up sheet was sent around. With the mileage allowance you are required to fill out a W-4 form and sign it, it is direct deposit only. Return it ASAP either to Tom Sweeney, LCD, or to the Planning office across the hall.

Again welcome and thank you for coming and thank you for participating in this very important advisory committee for the development and implementation of a PACE/PDR Program in Rock County.

2. **Adoption of Agenda:** Chair Sweeney entertained a motion to adopt the agenda. Bill Barlass motioned to approve the agenda, seconded by John Lader. **Motion Carried.**
3. **Citizen Participation, Communications, and Announcements.** None
4. **Introduction by Chairman.** Chair Sweeney introduced staff. Ad Hoc Committee members introduced themselves. Chair Sweeney introduction of speakers. Chair Sweeney reviewed the background of the vision and mission statements that this committee will work from. The staff and officials have been researching, participating in education, providing education as to what a PDR/PACE program for over the last three years. PACE (Purchase of Agricultural Conservation Easements) is a term used by the state of WI in our New Working Lands Initiative Program and will be used exclusively in future committee meetings. On February 26, 2009 the Rock County Board of Supervisors authorized the LCC to develop a PACE Program for the purpose of preserving appropriate tracts of agriculture and open space land, with an allocation of \$750,000 of ATC environmental impact fee money. On June 25, 2009 the Rock County Board of Supervisors authorized the creation of this ad hoc committee to act in an advisory capacity for the development (to work collaboratively and build consensus on how this program will work and be implemented) of a PACE Program. Contact any staff, John Lader, Supervisors Combs, Bostwick, or myself for questions anytime between these meetings.

Supervisor Bostwick, Chair of LCC: Explained with this program is very important to the Land Conservation Committee (LCC). Read the Land Conservation Department charter, which is not much different than the mission statement. LCC works to promote sustainable land use, management for long-term conservation of land, water and other natural resources of Rock County. The committee carries out the majority of the county's conservation programs and policies, the committee provides educational, technical and conservation planning assistance to help landowners, land users, and communities to do these things (read first of four): The first one is preserve agricultural land and soils for crop and livestock production, scenic values, and wildlife habitat.

Supervisor Combs, as a LCC member preserving farmland is a number one priority. Each town has its own zoning ordinance. PACE is will be another tool in toolboxes to preserve farmland. The rating system will help the towns evaluate zoning in the future. Land use Surveys, conducted by various departments come back with 85-90% in favor of preserving farmland. This, PACE is an important step toward what the citizens of Rock County want. There are no silly questions, because this is a brand new program for a lot of us and we want to make sure that all the questions are answered.

5. **Overview of PACE/PDR:**

Agricultural Economy Presentation - Randy Thompson.

Agriculture is powerful economic force in county, stimulates our local economy and provides diversity in Rock County. Recent agricultural statistics indicate 1.2 billion dollars in economic activity. Includes direct effects of production based of 195 million dollars worth of ag commodities are produced. That ranges from crop production to the animal agriculture – dairy, hogs, beef, etc. We are blessed with strong agriculture processing manufacturing base and I think we have some real opportunities in the future to capitalize on that and grow that.

Jobs- 8500 jobs directly and indirectly related to agricultural in the county. 1700 of that would be agriculture producers, 5000 of that would be individuals employed in the food processing and manufacturing industry and then we have the satellite service industry. This represents approximately 9.2% of jobs in the county.

Income – agriculture contributes \$420 million in income in the county. Our Ag processing industry is our largest area component of our overall ag industry. Beloit area; Kerry, Frito Lay, and Hormel, Janesville area has Seneca foods – list goes on of businesses that take raw commodities and make value added products.

Diversity - our strongest assets. Rock County ranked first in corn and soybean production. Producers grow a host of other crops; canning crops, alfalfa, wheat, mint and tobacco. Dairying has declined, 126 surviving dairy farms. Thirty years ago 474 dairy farms operated. About 38% of our agriculture revenues come from dairy and livestock production, the other 62% comes from cash crop production.

Farmland Preservation Program - 35-acre parcel doesn't always preserve farmland ie: houses in middle of 35 acres fragmenting the area. We are still very diverse; we raise hogs, beef cattle, etc.

PACE in Working Lands Initiative - Lisa Schultz. Expands and modernizes the current Farmland Preservation Program. Foundation of the initiative is the planning portion, of that you have three voluntary components – 1 - FPP zoning, 2 - agriculture enterprise areas which establishes large, continuous blocks of farmland to promote agribusiness and agriculture and keep these large areas of farmland to make it easier and more profitable to farm, 3 – the purchase of agriculture conservation easements.

PACE is voluntary as the landowner must be willing to participate by placing a deed restriction on the property that limits the use of that property in perpetuity. This is done thru

multiple levels of partnership. The State program will provide funding to purchase these easements. Many different funding options are available for purchasing easements. The state will streamline their program as much as possible to dovetail the federal NRCS Farmland and Ranchland Protection Program. This will help leverage federal funding to stretching the state funding out. The application process, by statute, must solicit applications from cooperating entities at least annually by putting out a request for proposals. There are specific criteria laid out in the statutes for easements; first - easement must be in designated FPP area outlined in your county farmland preservation plan and second – the easement will provide some sort of public benefit or purpose. Additional criteria will be developed by the PACE Council and may include; consistency with your land use plans and other ordinances, enhance an established agriculture enterprise area, the landowner has to be willing throughout this whole process, if any other unique resources on the land ie prime soils, water quality features on the land needing protection or enhancement or in danger if land is developed.

The first step in the process of getting the state program started is to establish a PACE Council, comprised of stakeholders from around the state who are affected or interested in easement Land Conservation Programs. In the latest budget, \$12 million was approved for the PACE program, allowing for grants for up to 50% for the cost of the easement and associated transaction costs. There is also a working land trust fund that was established in the budget and that takes the land use conversion fee that is applied and puts that in a fund and a portion of that can be used for PACE.

Our time frame from here is get the PACE Council meeting in October with the first application period starting in late fall/early winter of 2009. Preliminary project approvals are targeted for summer of 2010.

Working Lands newsletter is an electronic newsletter that is sent out by our department. You may sign up by going to the working lands webpage at DATCP. A website is where all materials are parked, fact sheets, statutory language, all of our registration information for workshops, and application materials.

Rock County's PACE/PDR Goals & Ad Hoc Committee's Role and Expectations - Carrie Houston. The goals and policies in of the County's Comprehensive Plan slated for adoption refer specifically to PACE/PDR. The two main deliverables that this committee will provide assistance to are a master plan and an ordinance, which outlines how this PACE Program will operate.

The outline of the master plan includes the introduction; analysis of information used for the selection methodology; the selection methodology and how it will be formulated. The implementation section is broken down into two parts; administration, which is how we do things internally with the funding and the personnel, and the application selection process which is who is going to be eligible, how we are going to rank the properties that want to be in this program, what is the process for them to apply, how are the easements actually going to be purchased. And the last component of the master plan is the ordinance itself, the legal language that explains how this program is going to work. The portions of this master plan that this Ad Hoc Committee is going to be responsible for formulating is mainly the selection methodology which will then lead us into the application selection process and the ordinance.

What this group is going to be tasked with doing is deciding how we are going to prioritize what we want to preserve and how we can formulate and design a system that will work in harmony with everybody's concept. We plan to have this master plan ordinance done by end of 2010.

6. **Questions and Discussion.** Chair Sweeney opened this session.
 1. Mark Gunn - asked if Utilities/DOT would be able to buy out easements. Lisa Schultz DATCP responded stating can be vacated for various reasons, such as DOT projects. Law in place that already outlines – believes Statute 700. Land is getting married to farming, is suppose to be forever, but then there is instances where things don't work out and it has to go to the court system. Mark brought up the bypasses of Milton, 10 years ago west of Janesville, came into some pretty good farmland, out quite a ways and if we did have some of this PACE Program go thru there does the DOT look at that or can they still go thru? Lisa replies having the easements there would definitely make it a lot less easy for them to do that, they would have to go thru the court system. Al Hulick, City of Janesville – Long range transportation plans or TIPS are developed several years out, those timelines are always rough, and they often get pushed back, but I would think thru the process the PACE Council would look at that and say in 2015 the long range transportation plan shows a bypass thru this and the PACE Council would look at that and say this may not be a very eligible project.
 2. Al Sweeney asks Keith Foye to elaborate on the Highway 12 settlement with the state as far as the easements go along highway 12, a little history on that. Keith: the project referenced, Highway 12 from Madison thru Sauk County to the interstate. One of the concerns there if your build this four lane road there would be a lot more development pressure. DOT was able to secure federal dollars, for Dane and Sauk Counties to utilize for purchasing agriculture conservation easements to keep that corridor in agriculture
 3. John Lader – Al can you discuss the timelines of meetings and why the distance between them and what we are trying to accomplish and address that just a little bit for everybody. Al– the vision committee decided to step this process up in order to keep interest and everybody's mind fresh on the ideas and questions. The only downside is the workload on Planning and LC staff in developing materials, maps, and other materials that coming to this Committee as information to make the decisions. So under Item #7, we will discuss that again. This is a very optimistic time line.
 4. Don Jones – Do I understand that there have been monies already allocated for this project in Rock County? Al – Yes, the ATC funds – February 26, 2009 the Rock County Board of Supervisors authorized the LCC to develop this program with about \$750,000 of environmental impact fee money from ATC to hopefully develop this and of course the same board acted to develop this AD Hoc Committee. Don – So I understand that thru the purchase of these development rights it could come from a county or state fund as well as a private fund. Al – all the above including federal. Don – So I am assuming we will get that information as where we can eventually draw those resources. Al – yes and it takes a program to get these monies into the county, so we can't ask for the money and then develop a program. We have to have the program in place to seek those monies. Don – So it is ready to go as soon as we can implement this program? Al – yes.
 5. Mark Gunn– with a follow-up to Don. I'm very familiar with how the ATC funds work and the Town of Rock received a sizeable amount of money and then there is also an annual payment that comes every year with that. Has the county board looked into subsidizing that back in with this or is this just a one-time shot of this \$750,000. County received \$1.8, correct. So is the county board looking to take some of that annual money that comes every year to put back into the program? Al – as far as I know we do not have an annual payment. Ron Combs – The County did not get an annual payment is my understanding; they got a one time fee. The towns get an annual payment. The county does not get an annual payment; it was \$1.8 million and was split between Parks and LCC. \$750,000 of that was put aside for this program. Out of the \$750,000 there is somewhere between \$450,000 - \$500,000 that is set aside specifically for purchasing

development rights matching grants. As the state pointed out they will match up to 50%, so if they put in \$100,000 and the county puts in \$100,000 we have \$200,000 for that project. So that's how the breakdown of that ATC fund works.

6. Neil Deupree– Will there be any publications to any paper or town board or anything regarding these meetings? AI – Yes. They will be duly noted and the minutes will be posted on the website as available in Planning and LCD offices.
7. Don Jones– I just want to commend the county and the state for bringing this to light because we have talked a little bit about it and there is a lot of interest with some of the bigger farmers in our town, but there is a lot we don't know about it yet because there are tax advantages, utility easements and what can happen, there is always going to court type of stuff, so as we develop this I am sure a lot of things will come to light. But I think it's needed as stated and I think a lot of folks are interested if it will work in with their farming operation.
8. Neil Deupree– Just to follow up the budget comments, the rest of the \$750,000 or so would be for staff time because in order to develop this program we obviously have to have considerable amount of staff from the Planning and Development Department to put things together for us. AI – and LCD and UW-Extension.
9. John Lader– I just want to follow up on Mr. Walters question. Neil we've discussed this project three or four times at our Rock County Towns Association unit meetings and that is where all the towns get together once every other month and we will continue to have updates at those meetings for all of the towns. I can't speak for the villages and cities how they will communicate, but that's how the towns will do it.
10. Doug Marklein – are you looking at setting this up as a countywide program with the towns to have an option to opt in or opt out – is that how it is set up? AI – This will be completely voluntary. But it is countywide.
11. Harold Hanauska (Town of Harmony) – Have they ever decided or ever planned a 10 year, 20 year plan for some of this land that is right next to development now, you start talking forever I think the guy is going to be a little reluctant to sign on to something like that where if it were 10 or 20 years you start another generation, you might be more apt to sign on to something like over just forever. Lisa – the easement portion of the Working Lands Initiative is permanent.
12. Don Jones – One thing that I had learned at the previous meeting I was at, you don't need to have 1,000 acres, you might have 15 or 20 acres again depending on the formula and how it works, like Carrie was presenting, so it could be a broad range program from 0 to whatever acreage. So the application could be widespread.
13. Mark Gunn – In Carrie's presentation, you talked about how a council needs to be set up. Explain a little bit what you mean by this council. Carrie – Lisa mentioned the council (state). This is the committee that is going to help develop our scoring system. We have another group that looks at each application, that is something we need to decide as part of the master plan, who is going to look at each separate application. Mark – that is what I was wondering with us being an Ad Hoc Committee versus your Council, that was my question.
14. Ron Combs– how does Rock County get a representative on the state's Council? Keith - Probably talk to Cathy Pilsticker? the division administrator. I think Rod is going to not be in the office for a bit, but the department is thinking about that right now as far as who should be on it and how many, etc. But are some of the same sorts of groups that are represented here.

15. Scott Farrington – I was wondering that \$750,000 if you get matching funds from the state and then a private company and it triples, how far does \$2.2 million get you? What size bank account does it take to do a county? AI - The \$750,000 includes administrative expenses that we try to keep to a bare minimum. As Ron mentioned the actual monies, or seed monies at this time is in that \$450-500,000 range. Scott – So what happens when our \$450,000 is gone? AI – We would have to solicit funds also. Neil - or convince the county board members to use tax money for it. AI – There are many different funding fees used in the east. For instance, our transfer tax. I don't know what the state has in mind for uses of transfer tax that is taken now for lands taken out of the farmland preservation. Keith – The conversion fee, use money that is collected from that to help preserve other farmland. AI – Again I will point out that it is imperative that we have a program in place in order to capture these monies. Part of this process will be to educate landowners on all of the possibilities of easements including donations of easements or combinations of purchase and donations. There may be a point system that gives them more points for more of the easement that they actually donate, the method for financing a program in the next decade will be unlimited. Even in a tight economy.
16. Tom Sweeney (LCD) – It appears the conversation is centered on what the state and the county have monetarily for this program. We can't forget the USDA-NRCS funding source. Currently, there is about \$20 million allocated in this nationwide program and USDA has made it a very high priority in the under the 2008 Farm Bill and will substantially increase the amount of money that they are going to allocate to this program. By 2012, the numbers they are increase to approximately \$130 million. With the State and County dollars as match, we are going to be able to capture that many more dollars from the USDA. So there is going to be a lot of opportunities to come up with combinations of funding. Landowners donating a portion of these easements to capture these dollars will facilitate this program
7. **Establish Future Meeting Days & Times.** As was discussed the vision committee felt that moving this up to about a monthly meeting at least on the front end of this project would help to move this project along and keep everybody's mind fresh. Future 2009 meeting dates were set for Tuesdays: September 22 at 2:30 p.m., October 27 at 8:00 a.m., and December 1 at 8:00 a.m.
8. **Alternate Committee Members.** Chair Sweeney stated that the Ad Hoc Committee Members should get their alternate member names to Tom Sweeney ASAP. They will be presented to County Board for ratification in September.
9. **Nomination and Appointment of Vice Chair.** Bill Barlass nominated John Lader for Vice Chair, seconded by Rich Bostwick. John Lader accepted nomination. **Motion Carried.**
10. **Adjournment.** Chair Sweeney adjourned the Ad Hoc Committee at 4:18 pm.

Respectfully Submitted,

Thomas Sweeney
County Conservationist

Minutes are not official until adopted by the PDR/PACE Ad Hoc Committee.