



MINUTES
ROCK COUNTY PDR/PACE AD HOC COMMITTEE
WEDNESDAY, SEPTEMBER 2, 2010, 8:30 A.M.
COUNTY COURTHOUSE - CONFERENCE ROOM 250
JANESVILLE WI

1. **Call to Order:** Chair Sweeney called the meeting of the PDR/PACE Ad Hoc Committee to order at 8:30 a.m.

Committee Members Present: Chair Alan Sweeney, John Lader, Ron Combs, Dave Rebout, Brad Cantrell, Neil Deupree, Doug Marklein, Archie Morton, Ray Henschler, Neil Walter, Rich Bostwick, Don Jones, Todd Schmidt, Rebecca Houseman for Julie Christenson, and Julie Backenkeller.

Committee Members Absent: Charley Rusch, Bill Barlass, Scott Farrington, Mark Gunn, and Ramona Flanigan.

Staff Present: Tom Sweeney, LCD; Paul Benjamin, Planning; Carrie Houston, Planning; and Wade Thompson, Planning.

Other's Present: Larry Wiedenfeld, LCC, Sharon Hargarten (Bradford), Frank Perrotto – Janesville City Council member, Duane Cherek – City of Janesville Community Development Department, and Randy Thompson.

2. **Adoption of Agenda:** Chair Sweeney entertained a motion to adopt the agenda as presented. Don Jones motioned to approve the agenda, seconded by Rich Bostwick. **Motion Carried.**
3. **Adoption of Minutes:** Chair Sweeney entertained a motion to adopt the minutes from the July 21, 2010 meeting. John Lader motioned to approve the minutes, seconded by Dave Rebout. **Motion Carried.**
4. **Citizen Participation, Communications, and Announcements:** Chair Sweeney thanked Brad Cantrell for his service on the committee and to the community, and wished him well in retirement.
5. **Discussion of City of Janesville Resolution #2010-719 Urban Reserve Area:** Chair Sweeney stated this item will be an action item at the next Committee meeting. Chair Sweeney asked Brad Cantrell to introduce the item.

Brad stated that the Janesville City Council, at their August meeting, discussed the PACE Program, including a presentation by County Planning and Development staff and a presentation by himself. Brad stated the Council passed a resolution, stating that the City's urban reserve area will not be eligible for the PACE Program with the exception of specific areas identified in Primary Acquisition Areas 7 and 8. The resolution also states the City will have review and comment authority on potential easement acquisitions in those areas, as well as within the City's ETJ area. Brad distributed a copy of the resolution to the Committee.

Chair Sweeney introduced Frank Perrotto a member of the Janesville City Council and asked him for his comments. Mr. Perrotto had no comments.

Chair Sweeney asked if anyone had any questions on the resolution. John Lader requested that a map be prepared, displaying the area of interest. Neil Deupree agreed with John's request. Julie Backenkeller stated she was at the City Council meeting and spoke concerning the resolution. Julie stated she thinks it is important for landowner rights to be respected in terms of preserving their lands for agriculture use, and therefore if lands are within the City's urban reserve area, they should remain eligible for the Program. Brad stated the conflicted areas are a small component of all the lands eligible for the Program and that the Committee should work towards compromise. Brad stated that farmland preservation is very important, but the City's ability to grow and develop is also very important. Brad stated the resolution is a proposal that balances farmland preservation with urban growth and development.

Neil Walter asked Brad for the meaning of "comment authority." Brad stated that comment authority is the right of the City of Janesville to review a potential easement acquisition application and provide comments to the appropriate bodies regarding the City's stance on the potential acquisition.

Neil Walter stated he is very concerned with the issue of farmland preservation. Neil stated he hoped the Committee could work towards a compromise that included preservation of lands east of the City of Janesville. Neil stated he thought the City of Janesville should be encouraged to expand to the west, as opposed to the east. Neil stated that industrial, not residential, growth is key to ensuring the County develop in a responsible manner. Neil stated that agricultural is vital to the State's economy and should be maintained in the County.

Julie Backenkeller stated that the City of Janesville's density, measured in persons per acre, has gone down since 1950, from 4.9 people per acre to 2.9 people per acre currently. Julie stated that the City of Janesville has ample room to grow, given population projections, and that lands in the City's urban reserve area should remain eligible for the PACE Program

Todd Schmidt stated that both sides have valid arguments and that the area in dispute is a small percent of the total land eligible for the Program.

Archie Morton Jr. stated the Committee has utilized a valid process in development of the Program and the areas within the City's urban reserve area should remain eligible for the Program.

Brad Cantrell stated that further compromise is needed or some formal opposition to the PACE Program may be organized. Brad stated he did not think this would be productive for Program development. Brad stated the City of Janesville has tired to develop to the west but the location of the Interstate goes a long way in determining where growth will occur. Brad stated he wants to see the Program adopted but further compromise is needed.

Chair Sweeney stated he also thought further compromise will need to be made and the specific compromises will be determined at future meetings.

Doug Marklein stated it is important to remember the easements are perpetual and therefore he supports the City's resolution. Doug stated he has concerns that a limited supply of land will cause an increase in land prices and that the PACE Program should allow the City more room to grow and develop. Doug stated that farmland preservation is an important issue in the County, but equally important is to ensure that Cities have adequate room to grow and develop.

Julie Backenkeller stated she thinks the City should have review and comment rights but landowners rights should also be considered in the discussion. Julie stated that it is extremely important that the desires of the landowners be considered.

Ron Combs stated he did not think landowner rights were being taken away and that other farmland preservation options were still available to them.

Sharon Hargarten stated that it bothered her that the Committee was making decisions that directly impact her future as a landowner and farmer. Sharon stated that the City of Janesville should look for growth opportunities within its existing borders.

Al Sweeney asked Frank Perrotto for comment. Frank Perrotto stated he does not speak for the Janesville City Council, although he is a member of the Council. Frank stated the City is very concerned about balanced growth and would like to encourage growth to the west, but that the Interstate to the east has a big influence on where growth will occur. Frank also stated that the City Council is receptive towards infill/brownfield development. Frank stated that he thinks the Committee should work towards further compromise to ensure the Program works for all interests. Frank stated that the lands in conflict represent only a small area of lands eligible for the Program. Frank stated that it is in the City's interest to have the lands around the Highway 11/Avalon interchange designated as ineligible for the Program.

Chair Sweeney stated the City's resolution will be addressed at the next Ad Hoc Committee meeting as an action item.

6. **Landowner Application and Acquisition Selection Process** – Carrie Houston stated she would be discussing the landowner application and acquisition selection process and Wade Thompson would discuss the Program Manual. Carrie also stated she would be discussing a draft of the Program Ordinance.

Carrie stated the acquisition priority for the Program, approved by the Committee as follows:

1. Parcels located within the primary target application areas
2. Parcels located adjacent to primary target acquisition areas, designated as Tier 1 farmland
3. Parcels not located within or adjacent to the primary target acquisition areas but in close proximity to those areas, and designated as Tier 1 or a high scoring Tier 2 farmland

Carrie stated that ultimately the final application decision will be subject to the County review process. Carrie went on to state this process, which includes review and recommendation by the PACE Program Manager, review and recommendation by the PACE Council, and final approval by the Land Conservation Committee.

Carrie stated the application information sheet explains how the application is to be completed, and the application review and recommendation form is completed by parties involved in the application review process. Carrie stated that review and comment authority by Cities, as contained in the City of Janesville's resolution, is identified in the review and recommendation form.

Carrie went on to state the make-up of the PACE Council, consisting of seven members serving 5-year terms and meeting a minimum of twice a year. Carrie stated the seven members could potentially include a County Land Conservation Committee member, two officials or staff from cities, two officials or staff from towns, a farmer, and a developer/real estate type.

Brad stated that the Cities and Towns represented on the Committee could be rotated to ensure the applicable areas of the County are represented in the application review process. Chair Sweeney stated that the Council members could potentially come from outside the County. Chair Sweeney stated that other successful PACE Program proceed in this manner and offered the idea up for discussion.

John Lader stated he thought local interests needed to be represented at some point in the process. Chair Sweeney stated he thought the Program, as developed, would ensure that

local interests are represented. Ron Combs stated he thought Chair Sweeney's idea of developing a PACE Council consisting of members from outside the County is a good idea.

Neil Deupree asked if the PACE Council meeting would be open to the public. Carrie stated they would be. Neil stated that all interested parties should be notified of these meetings. Chair Sweeney stated the meetings would be subject to the standard notification process.

Brad Cantrell stated he thought PACE Council members should be from the County. Chair Sweeney stated the rationale for bringing in PACE Council members from outside the County, including decreased chances of litigation, conflicts of interest, etc. Don Jones stated that the duty of the PACE Council was to act in a non-partial manner and therefore the members should be from in the County. Chair Sweeney and Ron Combs requested staff do additional research on composition of the PACE Council.

7. **PACE Program Manual:** Wade Thompson began the discussion on the PACE Program Manual, identifying all aspects of Program development and implementation. Wade stated the manual has six sections: executive summary, introduction and overview, a Rock County profile, Program development, Program implementation, and appendices.

Wade stated the two most important components of the manual are the Program development and Program implementation sections. Wade stated the Program development section states all aspects of Committee activities, including the rationale for Program development, Program eligibility, and Program priority (LESA system). Wade stated that the main aspects of the Program implementation section are oversight and administration, funding, education and outreach, and the application process.

Rich Bostwick asked how long the application process will take. Wade estimated approximately six months from start to finish. Brad asked where the monies to fund the acquisitions will be coming from. Wade stated that the easement acquisitions will be funded from state and federal sources. Brad asked how the funding coincides with the offer to purchase and other aspects of the acquisition process. Wade stated they are researching some of those details. Brad asked if the offer to purchase would be contingent on receiving federal funding. Wade stated this is correct.

Ron Combs asked if an acquisition could be fully funded from federal and state sources. Wade confirmed this as correct. Tom Sweeney stated the federal funding sources may have additional requirements which would not allow a County acquisition to be fully funded. Wade stated staff is working with both the State and Federal funding sources to get confirmation on various funding and application questions.

The Committee discussed the application section in further detail. Doug stated that it is important to know the applicant's intent early in the process. Wade stated the application process ensures that any potential issues are identified early in the process. The Committee discussed alteration of Program Eligibility Criteria #5. The Committee decided to modify the criteria to include the need to amend applicable comprehensive plans. Staff stated they would revise the criteria to incorporate the Committee comments.

8. **Pace Program Ordinance:** Carrie introduced the draft Program Ordinance and stated that the Ordinance would be discussed in further detail at the next Ad Hoc Committee meeting.
9. **Questions and Discussions:** Todd stated he would be leaving his job with the City of Milton. The Committee thanked Brad and Todd for their service and wished them well in their new endeavors.
10. **Future Meeting Date:** Chair Sweeney recommended Wednesday, September 22, 2010 with an 8:30 a.m. start time as the next meeting date.
11. **Adjournment:** Neil Deupree motioned to adjourn the PDR/PACE Ad Hoc Committee at 10:20 a.m., seconded by Don Jones. Motion carried.

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Respectfully Submitted,

Thomas Sweeney
County Conservationist

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

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