



MINUTES
ROCK COUNTY PDR/PACE AD HOC COMMITTEE
WEDNESDAY, SEPTEMBER 22, 2010, 8:30 A.M.
CRAIG CENTER
ROCK COUNTY FAIRGROUNDS
JANESVILLE WI

1. **Call to Order:** Chair Sweeney called the meeting of the PDR/PACE Ad Hoc Committee to order at 8:35 a.m.

Committee Members Present: Chair Alan Sweeney, Bill Barlass, Ron Combs, Dave Rebout, Eric Levitt, Neil Deupree, Doug Marklein, Archie Morton, Mark Gunn, Fred Hookham, Ray Henschler, Neil Walter, Rich Bostwick, Don Jones, and Julie Backenkeller.

Committee Members Absent: Charley Rusch, Scott Farrington, John Lader, Julie Christenson, Ramona Flanigan, and Todd Schmidt.

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

Other's Present: Howard Robinson – City of Milton, Rebecca Houseman – City of Beloit, Frank Perrotto – Janesville City Council member, Duane Cherek – City of Janesville, Sharon Hargarten, and Randy Thompson.
2. **Adoption of Agenda:** Chair Sweeney entertained a motion to adopt the agenda as presented. Rich Bostwick motioned to approve the agenda, with the deletion of #9, seconded by Bill Barlass. **Motion Carried.**
3. **Adoption of Minutes:** Chair Sweeney entertained a motion to adopt the minutes from the September 2, 2010 meeting. Dave Rebout motioned to approve the minutes, seconded by Archie Morton. **Motion Carried.**
4. **Citizen Participation, Communications, and Announcements:** Neil Deupree announced that the Janesville League of Women Voters is putting together a program on the Natural Step, including a series of study circles in October and November.

Howard Robinson, City of Milton, announced former City of Milton Administrator Todd Schmidt is working for Waunakee, so he is here on Todd's behalf.
5. **Action Item - City of Janesville Resolution:** Wade announced that today's discussion would begin with the City of Janesville Resolution and a response proposal to the resolution by the Rock County Land Conservation Committee (LCC), the body that will be implementing the County PACE Program.

Wade stated that there are two main points to the City's resolution. The first point is that any lands within the City of Janesville's urban reserve area will be ineligible for the Rock County PACE Program, excluding any lands within a Rock County PACE Program primary target acquisition area. The second point is the City of Janesville will have review and comment authority on any potential Rock County PACE Program easement acquisition within the City's urban reserve area and ETJ area (any lands within three miles of the City's boundaries).

Wade stated that he would be discussing the LCC response to the resolution. Wade stated that the LCC response would add two more Program eligibility criteria, in addition to the five

existing criteria. Wade stated that the first new proposed eligibility criteria is that any land within .75 miles of a boundary of a large city (city with a population over 20,000) or .50 miles of a small city (city with a population under 20,000) would become ineligible for the program. Wade stated the second new proposed eligibility criteria is that any land adjacent to an existing freeway interchange would become ineligible for the program. Wade then displayed maps showing these proposed eligibility criteria.

Wade discussed the advantages of utilizing these new eligibility criteria, including consistency in that these criteria are applicable to all municipalities in the county. Wade also stated that with application of these new proposed criteria much of the land that would become ineligible for the program is not designated as high priority for easement acquisition. Wade stated that the disadvantage to these new proposed criteria is that some lands that are currently eligible for the Program would become ineligible.

Wade stated the second point of the City of Janesville resolution is that the City will have review and comment authority on any potential Rock County PACE Program acquisition within the City's urban reserve area and ETJ area. Wade stated that the Ad Hoc Committee (Committee) has already addressed this concern in the program Application Review and Recommendation Form. Wade stated that this form identifies various easement acquisition application reviewing parties, including the Rock County Planning and Development Agency, Towns where proposed easements are to be located, and any cities or villages if proposed easements are within 1.5 miles of a Village/City or 3 miles of a City. Wade then opened the floor to discussion.

Archie Morton asked what the Committee's role is in response to the LCC's proposal. Wade stated that staff presented this proposal to the LCC and they approved it to the Committee for further discussion. Archie stated that the Committee has put a lot of time into developing the program and that protection of farmland is very important. Archie stated that with continual compromise less farmland will be protected.

Eric Levitt stated he is the City's alternate on the Committee and this is his first time attending a meeting. Eric stated he would address the City's perspective on the program and the resolution. Eric stated that the mission of the Committee is to protect farmland and that farmland preservation is very important to both the City and the County. Eric stated that the resolution was formulated by the City Council to ensure that the City's interests were adequately represented on the Committee. Eric stated that the City's urban reserve area was in place in the City's comprehensive plan prior to the Committee being formulated and that the County provided a letter of support for the City's plan. Eric stated that other cities in the county have had their urban reserve areas removed from program eligibility and for the sake of consistency the City of Janesville's urban reserve area should be removed as well. Eric stated that a boundary that would allow the City to grow and develop, but also protect productive farmland, is important. Eric also stated that the City's review and comment authority, as stated in their resolution, does not imply veto power.

Chair Sweeney stated that this action item would be discussed.

Julie Backenkeller stated that the City's urban reserve area expands into the Rock Prairie, some of the best soils in the County. Julie stated that the City has four directions in which to grow and it should not grow into the most fertile farmlands. Eric stated that the City respected the right of the program to acquire easements on lands that are in both the City's urban reserve area and the program primary target acquisition areas. Julie stated that the boundaries of the City keep expanding.

Fred Hookham stated identification of the City's urban reserve area was not based on a comprehensive, objective methodology, whereas identification of the program's primary target acquisition areas was. Fred stated that the City has an adequate amount of land to develop and should work towards compromise, and also stated that he supports the LCC's

response to the City's resolution. Wade clarified the maps and those lands that would become ineligible, per the LCC proposal.

Doug Marklein stated that the Committee should work in the spirit of compromise and there should be flexibility in whatever the Committee agrees upon. Doug stated overall he thinks the LCC's response to the City's resolution is sound. Chair Sweeney stated that the program will be evaluated and modified every five years or less. Doug stated that an easement is perpetual. Chair Sweeney stated this is correct.

Rebecca Housemen stated that an urban reserve area does not indicate that the land will be developed and the landowner will still have the right to farm if they so choose. Ron Combs stated the issue being discussed is eligibility for this program and that there are still other farmland protection options available to landowners. Wade agreed with this statement.

Mark Gunn asked if a landowner adjacent to the City of Janesville could put their land into an easement through another program. Mark stated that other landowners in the County are putting their land into easements through other programs. Eric stated that property rights remain with landowners and clarified that the City's resolution speaks only to the Rock County PACE Program. Eric also stated that the County program would be stronger if it had the City of Janesville's support.

Ray Henschler asked how much land was involved in the interchange parcels. Wade stated 320 acres. Ray complimented staff on program development and stated that Rock County has some of the best soils in the world, and preservation of farmland on these soils is important. Archie Morton stated that the interchange parcels should remain eligible. Archie stated that the program development process has been sound and should not be modified now. Eric asked how the interchange parcels would be evaluated if they applied for inclusion in the program. Wade stated they would not be top priority and ultimately the decision as to whether or not to acquire would rest with the PACE Council and the LCC. Wade stated that acquisition efforts would be focused on the primary target acquisition areas, and the interchange parcels are not within these areas.

Tom Sweeney stated that it was important to allow for flexibility in the interstate corridor. Archie asked if the northeast interchange parcel is eligible for the program. Tom stated that it is eligible but is not a high priority area. Archie stated that the LESA scoring system is valid and should be considered when determining what parcels should remain eligible for the Program.

Wade stated that utilizing these new proposed program eligibility criteria is consistent and objective. Archie stated that the other interchange parcels in the County are ineligible for other reasons and that the Committee should not add this additional criteria. Archie stated the interchange parcels should remain eligible.

Mark Gunn asked if the new proposed eligibility criteria were developed after consultation with the City. Wade stated that the Committee had directed staff to come up with a compromise proposal. Wade stated this proposal was presented to the LCC, the LCC approved it, and it was then presented to City officials. Mark asked if the Town comprehensive plans, specifically the Town of Rock's boundary line agreement with the City of Janesville, was considered in this discussion. Wade reiterated the program eligibility criteria, recognizing all City, Village, and Town development areas, did consider Town comprehensive plans. Chair Sweeney stated that the program would not circumvent any agreement between the Town of Rock and the City of Janesville. Wade agreed with Chair Sweeney and stated that the discussion is only applicable to lands eligible for program easement acquisition.

Rebecca Houseman stated that comprehensive plans are for a limited term and easements are perpetual. Rebecca stated that the City of Beloit has a cooperative boundary agreement with the Town of Turtle. Julie Backenkeller asked Marc Gunn for clarification on which lands

would be eligible for the program. Mark stated that the Town of Rock has an agreement with the City of Janesville stating any lands east of Highway 11 are eligible for development and any lands west of Highway 11 are to remain in agriculture. Dave Rebout asked if a landowner could pull out of the application process after discussions with a City. Tom Sweeney and Wade Thompson stated this could be done before an easement is signed. Dave asked if landowners will be targeted for easement acquisition. Wade stated that an important part of the program is education and outreach, providing information to landowners within primary target acquisition areas.

Archie Morton asked for clarification on the definition of review and comment authority. Wade referred to page four of the Program Review and Recommendation Form and stated that review and comment authority means the ability to review a proposed application and provide comments on it. Wade stated review and comment authority does not imply veto power.

Neil Deupree asked for clarification on what would happen if a party that has review and comment authority objects to a potential easement acquisition. Wade stated that program staff would take the objection into consideration when making a recommendation on the application to the PACE Council and the LCC. Wade stated the ultimate interpretation of the objection will lie with the LCC.

Mark Gunn stated that, in representing the constituents of the Town of Rock, he does not agree with the LCC's proposal. Wade stated that the areas that will become ineligible with the LCC proposal are not designated as high priority for easement acquisition.

Chair Sweeney asked if the Committee could ensure the program would not supersede any boundary agreements between cities and towns. Wade stated this was correct; the Program would not supersede any boundary agreements. Archie agreed with Mark's statement and stated that the buffer lands should remain eligible per the parcels LESA scores.

Mark stated that the Town of Rock compromised with the City of Janesville in developing their cooperative boundary agreement and that he did not support making landowners in his Town ineligible for the Program. Archie also stated the parcels should remain eligible. Rebecca stated that cooperative boundary agreements are not perpetual and that the landowners still have the right to farm. Mark stated he understood but still thought the lands should remain eligible for the Program.

Paul Benjamin stated that the Committee should adopt a temporary boundary and then work towards negotiation with all affected communities in the near future.

Wade reviewed the program's acquisition priority and stated that the majority of lands that would become ineligible for the Program per the LCC proposal are not high-priority and because of this it is likely that these properties would not be acquired. Mark stated that these areas may become high-priority in the future. Wade stated that the way the Program's LESA system was created this was not a likely possibility. Chair Sweeney stated the discussion will be concluded.

Eric Levitt stated that comprehensive plans are relatively short term and this program would be developing a long-term boundary. Eric stated the Program was trying to create a balance of growth and development with farmland preservation. Eric stated another proposal in which the City would essentially have veto authority on any proposed acquisition within the City's urban reserve area. Eric stated that a boundary around the City needed to be carefully considered so as to not encourage leapfrog development and other forms of development that would hinder farmland preservation activities.

Julie Backenkeller asked for clarification on lands that would become eligible for the Program with a letter of approval from the City. Wade provided clarification.

Doug stated he supports the LCC proposal and that if the City had veto power on specific areas that may lead to larger problems. Doug stated he supports the LCC proposal because it is not site-specific. Wade clarified which lands would become ineligible for the program in accordance with the LCC proposal.

Ray Henschler asked for clarification on leapfrog development. Discussion ensued on leapfrog development. Tom Sweeney stated that this program is looking to avoid leapfrog development or isolated easements and the program will focus on the primary target acquisition areas. Tom stated the program is trying to strike a balance between growth and development and farmland preservation. Eric stated that the City is supportive of that balance as well and it supports the program's primary target acquisition areas, even though some of the areas are within the City's urban reserve area. Archie stated that many of the areas planned for agriculture in the Town's comprehensive plans are ineligible for the program.

Chair Sweeney asked for comment from the audience. Frank Perotto, City of Janesville City Council, stated that the City of Janesville believes in farmland preservation. Frank agreed with Paul Benjamin's earlier statement and asked the Committee to give it more thought. Frank also stated that the City was working towards balanced growth both to the west and the east. Frank stated the Committee needed to take a long-term view and consider the implications of their actions. Frank stated the Committee should work towards collaboration and compromise, and that preservation of agricultural lands is vital to the City. Neil Walter stated that agriculture is vital to life and manufacturing loss has hurt the City of Janesville. Neil stated the Janesville City Council should be extremely protective of agriculture. Frank stated that manufacturing, along with agriculture, is important to the City of Janesville and will re-emerge as an economic driver in the region.

Harold Hanauska, Town of Harmony, stated the Town of Harmony put a lot of time into developing their comprehensive plan and this program should respect that plan. Don Jones stated that farmland preservation is a very important issue, and cities need to think about growing up and not out. Don stated that the Cities of Janesville and Beloit are sprawling and that more consideration needs to be given by these cities to farmland preservation. Chair Sweeney stated that the discussion would be concluded.

Wade stated that the program will be evaluated and modified every five years at a minimum and that issues decided on today will not be perpetual. Wade restated the LCC proposal:

1. Any lands within .75 miles of the boundary of a large city (city with a population over 20,000) or .50 miles of a small city (city with a population of under 20,000) would become ineligible for the program,
2. Any lands adjacent to existing freeway interchanges would become ineligible for the program.
3. Cities/Villages will have review and comment authority on any potential easement acquisition within 1.5 miles of a Village/City or 3 miles of a City

Chair Sweeney stated the chair of the LCC wanted to add these comments: The LCC focused on a resolution to this issue in a spirit of compromise with the City of Janesville that was consistent and repeatable throughout the county. The goal of the LCC was to treat this as a countywide compromise.

Chair Sweeney stated the Committee was looking for a motion. Neil Deupree motioned and asked them to be moved separately. Neil moved that any lands within .75 miles of a large city and .5 miles of a small city become ineligible for the Program. The motion was seconded by Rebecca Houseman. Discussion ensued on the motion. Archie Morton asked Neil if his motion was to make lands within the purple line (buffer) ineligible for the Program. Neil stated he understood this to be the proposal approved by the LCC and was supporting that proposal. Archie stated that he thought the eligibility criteria should remain as is and should not be modified.

Wade clarified which parcels would become ineligible. Ron Combs requested an amendment to the motion to state that any parcel adjacent to the line would become eligible

with a letter of support from the cities. Neil Deupree accepted the amendment. Mark Gunn asked for clarification. Ron stated that the motion would make these parcels ineligible, but the parcels would become eligible if they get a letter from the cities supporting their eligibility.

Discussion ensued on which parcels would become ineligible. Ron stated any parcel within the buffer that receives a letter of support from a city would become eligible. Wade asked for clarification on which parcels would become ineligible. Discussion ensued. Ron clarified the motion. Bill Barlass asked if a letter of support from a city would be accessible. Eric stated that the letter of support concept would provide flexibility for farmland preservation.

Dave Rebut asked if the LESA system could be modified to address this issue. Wade stated this would be a large undertaking that would probably not produce the outcome that is desired. Rebecca Houseman stated that a letter of support from an applicable city would offer more flexibility for landowners within that area. Don Jones asked who is going to adjudicate the process and was worried that the city would have more power than the applicant. Mark asked what powers were being given to the City as a result of this motion. Eric Levitt stated it was his interpretation that if tax parcels, and any land thereof, are within the buffer, the parcels are ineligible for the Program, but these parcels will become eligible for the program with a letter of support from the city.

Mark Gunn asked Frank Perotto if development wasn't coming back to the City of Janesville, would the city be flexible in allowing lands to apply for the program. Frank stated the City would be flexible.

Archie Morton stated that if the Committee modifies its process now, that may leave the door open to requests for modification by other parties in the future. Archie stated that he thought the process as developed thus far by the Committee was sound and should not be changed. Chair Sweeney stated there was an amendment to the motion. Neil Walter asked if the motion would affect any land use agreements that are already in place. Wade stated it would not.

Discussion ensued. Tom Sweeney stated that any parcel that has any portion of it within the purple line (buffer) would become ineligible, but would become eligible with a letter of support from the affected city. More discussion ensued on the letters of support. Chair Sweeney clarified which parcels would become ineligible for the program, in accordance with Tom Sweeney's previous statement.

Eric Levitt requested an amendment to the amendment, stating any tax parcel wholly within or partially within the purple line (buffer) will become eligible with a letter of support from the city. Ron Combs withdrew his amendment. Rebecca Houseman seconded Eric's amendment. Tom read the amendment as follows; all parcels that fall wholly or partially within the purple line (buffer) become eligible for the program with a letter of support from the affected city. Chair Sweeney asked if the Committee understood the amendment. Committee answered in affirmative. Chair Sweeney stated the Committee would vote on the amendment. Amendment carried.

Neil Deupree motioned to approve the .75-mile buffer and .5 mile buffer applicable to the cities boundaries, in which tax parcels wholly or partly inside the buffer (purple line) would become ineligible for the PACE Program, with the amendment as stated. Chair Sweeney asked if the Committee understand the motion as amended. Fred Hookham asked for an additional amendment to the motion, stating the motion should reflect the boundaries on today's date. Eric Levitt seconded the second amendment. Additional amendment passed. Chair Sweeney asked for a vote on the motion. Vote: 9 – in favor, 7 – opposed. Motion passed.

Chair Sweeney asked if there were any additional motions. Ron Combs made a motion that any land adjacent to the existing freeway interchange be ineligible. Ray Henschler asked if the size of the tax parcels adjacent to the interchanges could change. Wade stated that

these parcels could change as lands were added to or subtracted from the parcels through the land division process. Neil Deupree asked if “lands as defined by tax parcels adjacent to the interstate” should be put into the motion. Ron clarified the motion that it be tax parcels as of 9-22-2010. Ray Henschler asked if the map was accurate. Wade stated that the map was accurate, per the County’s GIS tax parcel data. Archie Morton stated the interchange parcels should remain eligible, per the Committee’s development of the LESA system.

Chair Sweeney asked for a vote on the motion. Vote: 8 – in favor, 8 – opposed. Doug Marklein was absent for both votes. Doug stated he was in favor of both votes, but as he was not present, his votes were not counted.

Wade stated that the final point in the City’s resolution was for City review and comment on potential acquisitions within the City’s urban reserve area and ETJ area. Wade stated that city review and comment authority is already accounted for in the PACE Program Manual.

The Committee took a five-minute break

Chair Sweeney stated the agenda would be suspended, with the remaining items brought back at a future meeting. Wade stated that the final point in the City’s resolution was for city review and comment authority on potential acquisitions within the City’s urban reserve area and ETJ area. Wade stated that city review and comment authority is already accounted for in the PACE Program Manual. Ron Combs motioned to reaffirm that authority. Motion seconded by Dave Rebut.

Neil Deupree asked if review and comment authority should be clarified and/or defined. Wade stated that the review and comment authority process would be defined in the Manual. Discussion ensued. Archie stated that review and comment authority could be misconstrued at a future date, and he stated he was not in support of it. Rebecca Houseman asked if review and comment authority was removed for cities, would it be removed for towns and villages as well. Tom stated review and comment authority needs to be consistent throughout the County. Rebecca stated she did not support removing review and comment authority for towns, cities, or villages. Chair Sweeney stated the motion was not to remove review and comment authority, but to reaffirm comment and review authority for the cities and towns and villages, as stated in the Program Manual. Dave Rebut asked if the Committee is reaffirming what is already in the Manual, regarding City review and comment authority. Chair Sweeney answered yes.

Vote: 13 in favor, 3 opposed. Motion passes 13-3.

Wade stated that at the next meeting staff will present the revised draft manual, given the discussion today, as well as the application and review forms, and seek Committee approval on these documents.

6. **Future Meeting Date:** Chair Sweeney recommended Thursday, October 7, 2010 with an 8:00 a.m. start time as the next meeting date at the Planning Office Conference Room.
7. **Adjournment:** Don Jones motioned to adjourn the PDR/PACE Ad Hoc Committee at 10:50 a.m., seconded by Neil Deupree. Motion carried.

Respectfully Submitted,

Thomas Sweeney
County Conservationist

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