



LAND CONSERVATION COMMITTEE
WEDNESDAY AUGUST 3, 2016, 2016 7:15 P.M.
LAND CONSERVATION DEPARTMENT
CONFERENCE ROOM
440 N US HWY 14
JANESVILLE WI

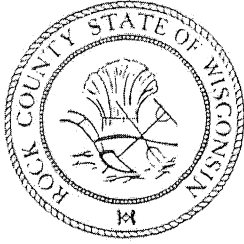
**Amended
7/29/16**

AGENDA

1. Call Meeting to Order.
2. Approval of Agenda.
3. Approval of Minutes – July 6, 2016.
4. Citizen Participation, Communications, and Announcements.
5. Construction Site Erosion Control – Samuelson Request for a Waiver from Double Fees.
6. Review of Bills Paid.
7. Resolution: Amending Resolution 16-5a-028 Finalizing the Sayre Joint Farms LLC Property Agricultural Conservation Easement Assignment/Donation.
8. Purchase of Agricultural Conservation Easements (PACE):
 - A. Morton Easement Status.
 - B. Notice of Grant and Agreement Award for the Kraus Easement Purchase.
 - C. PACE Council Update.
9. Land Conservation Committee 2016 Tour – Review Itinerary.
10. Adjourn.

Items to consider for Samuelsen Properties request to waive double fee for Construction Site Erosion Control (ECSC) permit # EC-2016-003.

1. Construction activity occurred without Mr. Samuelsen applying for Construction Site Erosion Control permit.
2. Town Building Inspector does not recall advising Mr. Samuelsen to apply for CSEC permit.
3. Andrew Baker sent Notice of Non-compliance on Nov. 30, 2015 (see attached).
4. Mr. Samuelsen states he never received letter.
5. Rock County LCD did not contact Mr. Samuelsen during transitional period when Andrew vacated position and Chris Murphy arrived.
6. Chris contacted Mr. Samuelsen in person to inform him of non-compliance. Mr. Samuelsen was apologetic and made efforts to correct error.
7. Mr. Samuelsen requests he pay regular fee of \$365.00 instead of the double amount per Section 4.1109 of Rock County Construction Site Erosion Control Ordinance (see attached).
8. Section 4.1105 of Rock County Construction Site Erosion Control Ordinance allows LCC to waive any or all of ordinance requirements (see attached).



Rock County Land Conservation Department

440 N US Hwy 14

Janesville, WI 53546-9708

Phone: (608) 754 - 6617 ext.3

Fax: (608) 752 - 1247

Cell Phone: (608) 289-0877

baker@co.rock.wi.us

November 30, 2015

Samuelson Properties LLC
260 E Samuelson Dr
Edgerton, WI 53534

RE: Notice of Non Compliance

Land Disturbing Activity in Part of SE1/4 of the NW 1/4 of Section 8, Milton Township, Rock County
Site Address: 2903 E State Rd 59. - Parcel 6-13-55

To whom it may concern:

This letter is in regard to the land disturbing and site preparation activity on the above referenced property, apparently conducted in advance of construction of storage buildings. It appears that this work is in violation of Rock County Ordinances regulating erosion and sediment control and possibly long-term storm water management since no permit(s) was obtained from this Department.

The Rock County Land Conservation Department administers the Rock County Erosion Control Ordinance in the County (Chapter 4 Part 11 of the Rock County Code of Ordinances). Land disturbing activities in the County exceeding 4,000 square feet (or 400 cubic yards of fill) generally require an Erosion Control Permit, or an approved exemption or waiver of permit requirements, prior to commencing activities on site. The work done to date exceeds this threshold. Permits are required to ensure, among other things, temporary best management practices are installed during the work, the site is stabilized in a timely fashion following disturbance and that no protected areas are impacted by the work. Additionally, since impervious surfaces such as buildings or driveways are being added as part of this project, a Post-Construction Storm Water Management Permit (Chapter 4 Part 8 of the Rock County Code of Ordinances) may be required depending on your entire plan for the site. Generally, projects with disturbances greater than one acre require additional planning and construction for storm water management. Information regarding the ordinances can be found at our website, www.co.rock.wi.us/erosion-control-and-storm-water-management. I have also attached a permit application for reference.

We are seeking compliance with ordinance standards, which depending on the scope of work may require detailed construction plans and possibly two after-the-fact permits. In the short term, considering the amount of bare soil, erosion and sediment control devices must be installed and maintained to limit material moving from the construction site.

I ask that you respond to this letter upon receipt so that we may discuss the project and the plans for additional work. The best way to reach me is via cell phone, 608-289-0877. I also strongly suggest stopping work on the site (other than maintaining erosion and sediment control measures) until we can resolve what is required for this project so that the work is done in compliance with County Ordinances. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "A Baker", is written over a horizontal line.

Andrew Baker, CPESC
Conservation Specialist

- e. Land disturbing activity that includes the construction of a building and is regulated by the Wisconsin Department of Commerce under sec. COMM 21 Wis. Adm. Code;
 - f. Projects specifically exempted from local erosion control ordinances under state or federal statute. It is the responsibility of the landowner to demonstrate such exemption with documentation acceptable to the LCD.
 - g. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
2. Any project that is designed and/or certified by the LCD or the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture as part of a soil conservation or water pollution control project shall comply with all of the requirements of this ordinance, but shall be exempted from obtaining a permit, providing a financial guarantee, or paying fees under sec. 4.1109.
 3. Any land disturbing activity that is conducted by or for the County of Rock, or by or for any city, town or village on lands located within the County, shall comply with all of the requirements of this ordinance, including obtaining a permit and submitting an erosion and sediment control plan, but shall be exempted from providing a financial guarantee, or paying fees under sec. 4.1109.
 - a. At the discretion of the LCD, any land disturbing activity that is conducted by or for the County of Rock, may be administered by a qualified employee or agent of the county department undertaking the land disturbing activity.

(3) Waivers

(A) The LCC may waive any or all of the requirements of this ordinance if the LCC determines that:

1. A requirement is not necessary for a particular site to ensure compliance with performance standards set forth in sec 4.1107 of this ordinance; or
2. The site land disturbing activities will have no appreciable off-site impact.

(B) The LCD shall be responsible for making recommendations to the LCC concerning all waiver applications.

4.1106 Technical Standards

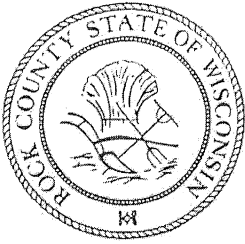
- (1) All BMPs required to comply with this ordinance shall meet the design criteria, standards and specifications identified, developed or disseminated by the DNR under subchapter V of Chapter NR 151 Wis. Adm. Code.
- (2) Where technical standards have not been identified or developed by the DNR, other technical standards may be used provided that the methods have been approved by the LCD.

4.1109 Fee Schedule

- (1) The County Board, as part of the annual budget, shall determine the fees referenced in other sections of this ordinance. The LCC, as part of the annual budget, shall recommend the fees referenced in this ordinance. After the County Board has adopted the county's annual budget, the LCC shall prepare a separate fee schedule for all fees applicable to this ordinance. The fee schedule shall be available January 1st of any given year.
- (2) Fees paid under this section shall equal as closely as possible the LCD costs of administrating the provisions of this ordinance, including applicant consultations, application evaluation and approval, permit holder consultations and site inspections.
- (3) ~~All fees shall be doubled if work is started before a permit is applied for and issued.~~ Such doubled fees shall not release the applicant from full compliance with this ordinance nor from prosecution for violation of this ordinance.
- (4) The LCC may waive all fees, or portions thereof, associated with application for permits within the Shoreland Overlay District. The request for a fee waiver must be specific to land disturbance activities associated with site remediation activities for the stabilization of conditions caused by nature, conditions caused by activities not in the control of the current landowner, or the establishment of LCD designed projects.

4.1110 Enforcement and Penalties

- (1) Any land disturbing activities initiated after the effective date of this ordinance by any person, firm, association, or corporation subject to the provisions of this ordinance shall be deemed a violation unless conducted in compliance with the requirements of this ordinance.
- (2) Every violation of this ordinance is a public nuisance. Compliance with this ordinance may be enforced by injunctinal order at the suit of the County of Rock pursuant to sec. 59.69 (11), Wis. Stats. It shall not be necessary to prosecute for forfeiture before resorting to injunctinal proceedings.
- (3) The LCD is authorized to issue an ordinance citation, pursuant to Chapter 7 of the County Code of Ordinances to any person, firm, association or corporation for engaging in land disturbing construction activities that are in violation of this ordinance. Each day of violation, and each section violated, shall be considered a separate offense and subject to additional enforcement action, including, but not limited to the issuance of additional ordinance citations. Issuing a citation shall not release the applicant from full compliance with this ordinance nor from prosecution for violation of this ordinance.
- (4) The LCD shall notify the permit holder by certified mail of any non-complying land disturbing activity. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action that may be taken. Non-complying activities include, but are not limited to:
 - (A) Any land disturbing activity regulated under this ordinance being undertaken without a permit or waiver;
 - (B) The plan not being implemented;
 - (C) The conditions of the permit not being met.



Rock County Land Conservation Department

440 N US Hwy 14

Janesville, WI 53546-9708

Phone: (608) 754 - 6617 ext.3

Cell Phone: (608) 289-0877

Christopher.Murphy@co.rock.wi.us

July 13, 2016

Samuelsen Properties LLC
260 E Samuelsen Dr
Edgerton, WI 53534

EC-2016-003

RE: **Status of Erosion Control Plan - Simplified Permit Application**
Part of SE1/4 of the NW 1/4 of Section 8, Milton Township, Rock County
Site Address: 2903 E State Rd 59. - Parcel 6-13-55

Thor:

I have reviewed the Erosion Control Plan - Simplified Permit Application dated 6/28/16. I have determined the application is complete but the amount of "Total Permit Fee" is not accurate therefore I **cannot approve the application**. In order to receive approval and comply with Rock County Construction Site Erosion Control Ordinance, please submit an additional \$365.00.

If you do not agree with this determination, you may appear before the Rock County Land Conservation Committee (LCC) at **7:15 p.m. on Wednesday, August 3, 2016** to request the LCC waive the additional \$365.00 (Rock County Construction Site Erosion Control Ordinance, Section 4.1105 (3)(A)).

The Rock County LCC meeting is located at 440 North US Highway 14, Janesville Wisconsin.

Sincerely,

A handwritten signature in cursive script that reads "Chris Murphy".

Chris Murphy
Conservation Specialist

Cc: Tom Sweeney, Rock County Conservationist
Rock County Land Conservation Committee

FOR THE MONTH OF JUNE 2016

Account Number	Account Name	PO#	Inv Date	Vendor Name	Inv/Enc Amt
62-6200-0000-63100	OFC SUPP & EXP				
		P1600699	05/13/2016	STAPLES BUSINESS ADVANTAGE	85.12
		P1601721	05/25/2016	HENRICKSEN	240.69
62-6200-0000-64200	TRAINING EXP				
		P1601931	06/02/2016	LAND CONSERVATION DEPARTMENT	25.00
62-6200-0000-64201	CONVENTION EXP				
		P1601931	06/02/2016	LAND CONSERVATION DEPARTMENT	25.00
62-6200-0000-64319	TREE PURCHASE				
		P1600751	03/29/2016	LAURAS LANE NURSERY	143.00
62-6200-0000-65321	BLDG/OFC LEASE				
		P1600822	06/07/2016	SILHA LLC,DAN	2,856.24
				LAND CONSERVATION PROG TOTAL	3,375.05
62-6225-0000-63110	ADMIN.EXPENSE				
		P1601920	05/26/2016	EVANSVILLE REVIEW LTD	80.50
				WILDLIFE DAMAGE/ASSMTS. PROG TOTAL	80.50
62-6280-0000-64928	COST SHARING				
		P1601892	05/20/2016	NIEMAN,DONALD	5,572.00
		P1601926	05/05/2016	MARK OSWALD	500.00
		P1602037	06/13/2016	KEISLER,ROY	5,576.90
		P1602038	06/13/2016	KEISLER,ROY	1,050.00
		P1602039	05/03/2016	KEISLER,ROY	214.61
		P1602040	04/28/2016	HOLTZEE,RICHARD	2,295.30
		P1602041	05/02/2016	HOLTZEE,RICHARD	255.57
		P1602042	04/28/2016	CONDON,MARCIA	364.00
				LWC PLAN IMPLEMENTATION GRANT PROG TOTAL	15,828.38
62-6300-0000-64918	ADVERTISING				
		P1601963	05/31/2016	BELOIT DAILY NEWS	240.00
		P1601968	05/28/2016	ROCK VALLEY PUBLISHING LLC	213.15
		P1601992	05/31/2016	REPORTER CO INC	148.50
				HOUSEHOLD CLEAN SWEEP PROG TOTAL	601.65

COMMITTEE REVIEW REPORT
FOR THE MONTH OF JUNE 2016

<u>Account Number</u>	<u>Account Name</u>	<u>PO#</u>	<u>Inv Date</u>	<u>Vendor Name</u>	<u>Inv/Enc Amt</u>
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I have reviewed the preceding payments in the total amount of **\$19,885.58**

Date:

Dept Head _____

Committee Chair _____

RESOLUTION NO. _____

AGENDA NO. _____

**RESOLUTION
ROCK COUNTY BOARD OF SUPERVISORS**

LAND CONSERVATION
COMMITTEE
INITIATED BY



THOMAS SWEENEY
DRAFTED BY

LAND CONSERVATION
COMMITTEE
SUBMITTED BY

JULY 12, 2016
DATE DRAFTED

**AMENDING RESOLUTION 16-5A-028 FINALIZING THE SAYRE JOINT FARMS, LLC PROPERTY
AGRICULTURAL CONSERVATION EASEMENT ASSIGNMENT/DONATION**

- 1 **WHEREAS**, the Rock County Board of Supervisors approved the Resolution 16-5A-028 during their May 5,
2 2016 meeting, which authorized the Purchase of Agricultural Conservation Easements (PACE) Program to accept
3 the Sayre Joint Farms, LLC Agricultural Conservation Easement through the donation component of the Program;
4 and,
5
6 **WHEREAS**, this amendment to Resolution 16-5A-028 authorizes the County to supplement the purchase price of
7 the Sayre Joint Farms, LLC Agricultural Conservation Easement; and,
8
9 **WHEREAS**, a PACE application was submitted by Sayre Joint Farms, LLC to the Land Conservation Department
10 (LCD) in 2015 to purchase a PACE easement on approximately 356 acres of real property located in part of
11 Sections 8 & 17, Township 3 North, Range 11 East, Town of Center, Rock County Tax Parcel Numbers; 6-4-131,
12 6-4-132, 6-4-129.1, 65-4.59, and 6-4-130.3; and,
13
14 **WHEREAS**, the application was recommended for approval by LCD and the PACE Council, approved by the
15 LCC to be considered a donated easement in accordance with the Rock County PACE Program Manual, which
16 only allows the LCD to fund administrative costs associated with title commitments, title insurance and the real
17 estate appraisals; and,
18
19 **WHEREAS**, the LCD partnered with the Natural Heritage Land Trust (NHLT) to secure an alternative funding
20 source from the Wisconsin Department of Natural Resources (DNR) Knowles-Nelson Stewardship Program
21 (KNSP) to fund this Agriculture Conservation Easement purchase, and;
22
23 **WHEREAS**, the DNR conducted a second real estate easement appraisal for the Sayre Joint Farms, LLC property
24 as required by the KNSP policy and this appraisal determined the purchase price of the easement to be one hundred
25 and fifty dollars (\$150.00) per acre less than the County's easement appraisal; and,
26
27 **WHEREAS**, Sayre Joint Farms, LLC. representative was made aware of the second appraisal purchase price and
28 determined it was too low and requested Land Conservation Committee (LCC) the review the potential of a
29 supplemental payment to the purchase price as determined by the second appraisal conducted by the DNR; and,
30
31 **WHEREAS**, the LCC reviewed the request during their July 6, 2016 meeting and authorized the LCD staff to
32 negotiate a supplemental payment within a set perimeter for said easement purchase with the Sayre Joint Farms,
33 LLC. Representative; and,
34
35 **WHEREAS**, Staff negotiated the supplemental payment of fifty dollars (\$50.00) per acre for a total payment of
36 seventeen thousand and eight hundred dollars (\$17,800.00) to be made by the PACE Program; and,
37
38 **WHEREAS**, the easement will be purchased by the NHLT and the County in 2016 and the easement will be
39 assigned to the NHLT and Rock County, in partnership by DNR. After the purchase has been completed, the
40 NHLT will assign the easement in full to the County.
41
42 **NOW, THEREFORE, BE IT RESOLVED**, the Rock County Board of Supervisors duly assembled this _____
43 day of _____, 2016, do by enactment of this Resolution authorizes and accepts the Agricultural
44 Conservation Easement on the Sayre Joint Farms, Inc. Property and authorizes the LCD to undertake final
45 necessary activities identified therein and obligate necessary funds to complete said activities.
46
47 **BE IT FURTHER RESOLVED**, the County Board Chair and/or the County Clerk will act as the County's
48 agent(s) for closing of said easement.

Respectfully submitted:

LAND CONSERVATION COMMITTEE

Richard Bostwick, Chair

Alan Sweeney, Vice-Chair

Wes Davis

Anders Dowd

Brenton Driscoll

Kara Hawes

David Rebut, USDA-FSA Representative

Jeremy Zajac

FISCAL NOTE:

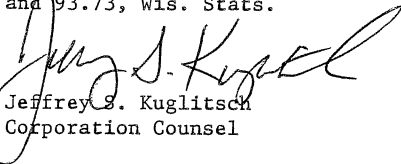
This resolution approves the purchase of an agricultural conservation easement. Sufficient funds are available in the Land Conservation Department's PACE budget for the estimated County portion of the purchase price of this easement.



Sherry Oja
Finance Director

LEGAL NOTE:

The County Board is authorized to take this action pursuant to secs. 59.01, 59.51 and 93.73, Wis. Stats.



Jeffrey S. Kuglitsch
Corporation Counsel

ADMINISTRATIVE NOTE:

Recommended.



Nick Osborne
Acting County Administrator

EXECUTIVE SUMMARY

This resolution will amend Resolution 16-5A-028 which authorized the Land Conservation Department (LCD) to finalize acquisition of the Agricultural Conservation Easement under the Purchase of Agricultural Conservation Easement Program (PACE) for the Sayre Joint Farm, LLC Properties, which will be the first Easement acquired through an alternative funding source by the Program.

Resolution 16-5A-028; FINALIZING THE SAYRE JOINT FARMS, LLC PROPERTY AGRICULTURAL CONSERVATION EASEMENT ASSIGNMENT/DONATION was approved by the County Board during their May 5, 2016 meeting. This resolution authorized the county to accept the easement as if a landowner donated the full easement to the county, which only includes administration costs associated with the purchase.

This resolution which amends Resolution 16-5A-028, will supplement the alternative funding source to purchase the easement at a rate of \$50.00 per acres for a total of \$17,800.00. The supplement is needed to assure Sayre Joint Farms, LLC, agrees to the final purchase price. Administrative costs will remain the same or approximately \$3,000.00.

The DNR conducted a second real estate easement appraisal for the Sayre Joint Farms, LLC. property as required by the KNSP policy and this appraisal determined the purchase price of the easement to be one hundred and fifty dollars (\$150.00) per acre less than the County's easement appraised purchase price. Sayre Joint Farms, LLC requested Land Conservation Committee (LCC) the review the potential of a supplemental payment to the purchase price as determined by the second appraisal conducted by the DNR.

The LCC reviewed the request during their July 6, 2016 meeting and authorized the LCD staff to negotiate a supplemental payment within a set perimeter for said easement purchase with the Sayre Joint Farms, LLC Representative. Staff negotiated the supplemental payment of fifty dollars (\$50.00) per acre for a total payment of seventeen thousand and eight hundred dollars (\$17,800.00) to be made by the PACE Program.

Please note that the supplemental payment of \$17,800.00 is approximately Two Hundred Forty Thousand Four Hundred and Twenty Five Dollars (\$240,425.00) less than if the County fully funded their 25% of the easement appraised value.

Acquisition of easements such as this is intended to protect and preserve productive agricultural lands in Rock County, encouraging and promoting the goals of a strong agricultural economy and community identity, intergovernmental cooperation, and a regional land use vision throughout the County.

For this aspect of the PACE Program, of the value of the Easement was determined by a qualified Real Estate Appraiser utilizing IRS approved standards and criteria. Conducting this appraisal process allows the landowner to deduct the value of the easement from their income taxes as a non-cash charitable donation.

If this resolution is approved, the LCD will complete the Easement acquisition process on the Sayre Joint Farms, LLC Property.