



**LAND CONSERVATION COMMITTEE
WEDNESDAY, JUNE 5, 2013, 7:15 P.M.
LAND CONSERVATION CONFERENCE ROOM
440 N US HWY 14
JANESVILLE WI**

AGENDA

1. Call Meeting to Order.
2. Approval of Agenda.
3. Approval of Minutes – May 1, 2013.
4. Citizen Participation, Communications, and Announcements.
5. Bills/Transfers/Encumbrances.
6. Farmland Preservation Program – Cancellation of Notice of Non-Compliance for Prairie M Farms LLC.
7. Resolution – Authorizing Acceptance Of Full Donation Of Agricultural Conservation Easements On Properties Eligible For The Rock County Purchase Of Agricultural Conservation Easement (PACE) Program.
8. Land and Water Resource Management – Approval of Cost Share agreements.
9. Request for Waiver of Erosion Control Permit Requirements for Rye Farms (Gordon Rye).
10. 2013 Conservation Practice Tour – Discussion.
11. PACE Update.
12. Adjourn.

Account Number	Name	Yearly Prcnt Appropriation Spent	YTD Expenditure	Encumb Amount	Unencumb Balance	Inv/Enc Amount	Total
6262000000-63200	PUBL/SUBCR/DUES P1302036-PO# 06/01/13 -VN#052728	2,120.00 95.0%	2,015.18	0.00	104.82	40.00	
					CLOSING BALANCE	64.82	40.00
6262000000-64319	TREE PURCHASE P1301937-PO# 06/01/13 -VN#052709	7,500.00 79.9%	5,899.93	100.00	1,500.07	105.75	
					CLOSING BALANCE	1,394.32	105.75
	LAND CONSERVATN. PROG-TOTAL-PO					145.75	

I HAVE EXAMINED THE PRECEDING BILLS AND ENCUMBRANCES IN THE TOTAL AMOUNT OF \$145.75 INCURRED BY LAND CONSERVATION. CLAIMS COVERING THE ITEMS ARE PROPER AND HAVE BEEN PREVIOUSLY FUNDED. THESE ITEMS ARE TO BE TREATED AS FOLLOWS

- A. BILLS AND ENCUMBRANCES OVER \$10,000 REFERRED TO THE COUNTY BOARD.
- B. BILLS UNDER \$10,000 TO BE PAID.
- C. ENCUMBRANCES UNDER \$10,000 TO BE PAID UPON ACCEPTANCE BY THE DEPARTMENT HEAD.

AGRICULTURE/LAND CONSERVATION COMMITTEE APPROVES THE ABOVE. COM-APPROVAL _____ DEPT-HEAD

JUN 05 2013

DATE _____ CHAIR

RESOLUTION NO. _____

AGENDA NO. _____

**RESOLUTION (amended)
ROCK COUNTY BOARD OF SUPERVISORS**

LAND CONSERVATION
COMMITTEE
INITIATED BY _____

LAND CONSERVATION
COMMITTEE
SUBMITTED BY _____



THOMAS SWEENEY
DRAFTED BY

APRIL 13, 2013
DATE DRAFTED

**AUTHORIZING ACCEPTANCE OF FULL DONATION OF AGRICULTURAL CONSERVATION
EASEMENTS ON PROPERTIES ELIGIBLE FOR THE ROCK COUNTY PURCHASE
AGRICULTURAL CONSERVATION EASEMENTS (PACE) PROGRAM**

- 1 **WHEREAS**, the Rock County Board of Supervisors officially approved the Rock County Purchase of
2 Agricultural Conservation Easements (PACE) Program and adopted the document entitled Rock County Purchase
3 of Agricultural Conservation Easements (PACE) Program Manual, identifying and outlining all aspects of
4 Program development and implementation, on January 13, 2011; and,
5
6 **WHEREAS**, the mission of the Rock County PACE Program ("Program") is to work in cooperation with local
7 governments to enhance Rock County's quality of life by building consensus towards a regional vision, to include
8 preservation of agricultural land, the agricultural economy, and the County's rural character, and responsible
9 growth and development in appropriate areas; and,
10
11 **WHEREAS**, the Program works towards achieving its mission by acquiring Agricultural Conservation Easements
12 on eligible lands throughout unincorporated Rock County; and,
13
14 **WHEREAS**, the Program identifies specific target areas that have met the criteria set forth in the Program's
15 manual, while other lands maybe eligible but are less likely to be considered/approved for inclusion into the
16 Program; and,
17
18 **WHEREAS**, applicants whom are not approved for Program participation and owners of properties not located in
19 a designated priority area, as defined in the Program manual, may wish to donate 100% of the Agricultural
20 Conservation Easement value to the Program; and,
21
22 **WHEREAS**, the Land Conservation Committee has discussed the merits of a full donation Program component
23 for individuals whom do not fit into the Program acquisition priority and concluded that the Program needs to fill
24 this void; and,
25
26 **WHEREAS**, current Program policies require the landowners to donate a minimum of thirty three percent (33%)
27 of the Agricultural Conservation Easement value, as defined by the easement appraisal, Rock County pays the
28 applicant 17% of the easement value and the USDA-NRCS Farm and Ranchland Protection Program pays the
29 applicant the remaining 50% of the easement value. Rock County pays all costs associated with the purchase of
30 the easement, which includes; the Agricultural Conservation Easement appraisal, all title work and title
31 insurance, recording fees, and a land survey, if needed; and,
32
33 **WHEREAS**, if this resolution is approved, Landowners, located in eligible areas as defined in the PACE Program
34 Manual, will be allowed to make a full donation of the Agricultural Conservation Easement value to the PACE
35 Program, and the PACE program will be allowed to pay for costs associated with the Agricultural Conservation
36 Easement appraisal, associated title work, title insurance, if needed, and recording fees.
37
38 **NOW, THEREFORE, BE IT RESOLVED** that the Rock County Board of Supervisors duly assembled this
39 _____ day of _____, 2013, authorizes Program staff to accept applications to the PACE Program
40 for the full donation of an Agricultural Conservation Easement, process applications according to the PACE
41 program policies and procedures, and authorizes program costs with the full donation of the Agricultural
42 Conservation Easement value.

Respectfully submitted:

LAND CONSERVATION COMMITTEE

Richard Bostwick, Chair

Larry Wiedenfeld, Vice-Chair

Eva Arnold

Deloyde Sanders

Edwin Nash

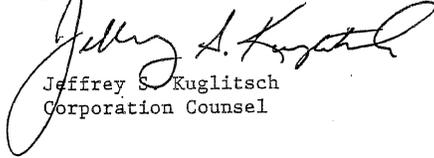
Alan Sweeney

Jim Quade, USDA-FSA Representative

Fred Yoss

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

FISCAL NOTE:

This resolution would allow landowners the option to make a full donation of a conservation easement to the PACE Program. This would save the County the 17% of the easement value that it currently pays.



Sherry Oja
Finance Director

ADMINISTRATIVE NOTE:

Recommended.



Craig Knutson
County Administrator

**RESOLUTION: AUTHORIZING FULL DONATION OF AGRICULTURAL CONSERVATION
EASEMENTS ON PROPERTIES ELIGIBLE FOR THE ROCK COUNTY AGRICULTURAL
CONSERVATION EASEMENTS (PACE) PROGRAM**

EXECUTIVE SUMMARY

The Land Conservation Committee has discussed the merits of incorporating a voluntary agricultural conservation easement donation component into the PACE program, allowing landowners, whom are eligible for Purchase component, but may rank extremely low in the eligibility, the ability to make a donation of an Agricultural Conservation Easement to Rock County.

Under the current PACE Program Policy, landowners are required to make a minimum thirty three percent (33%) donation of the easement value, as determined by a Wisconsin Certified Appraiser, to be eligible for the Program. Rock County pays the applicant 17% of the easement value and the USDA-NRCS Farm and Ranchland Protection Program pays the applicant the remaining 50% of the easement value. Rock County pays all costs associated with the purchase of the easement, which includes; the Agricultural Conservation Easement appraisal, all title work and title insurance, recording fees, and a land survey, if needed.

This resolution requests that Rock County Board of Supervisors allow landowner(s) the option to make a full donation of the Agricultural Conservation Easement to Rock County. All PACE Program eligibility components, as outlined in the PACE Manual will remain in place. The only costs associated with a donation component are Agricultural Conservation Easement appraisals, tile work, title insurance, if needed, and the appropriate recording fees.

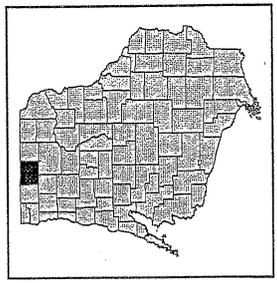
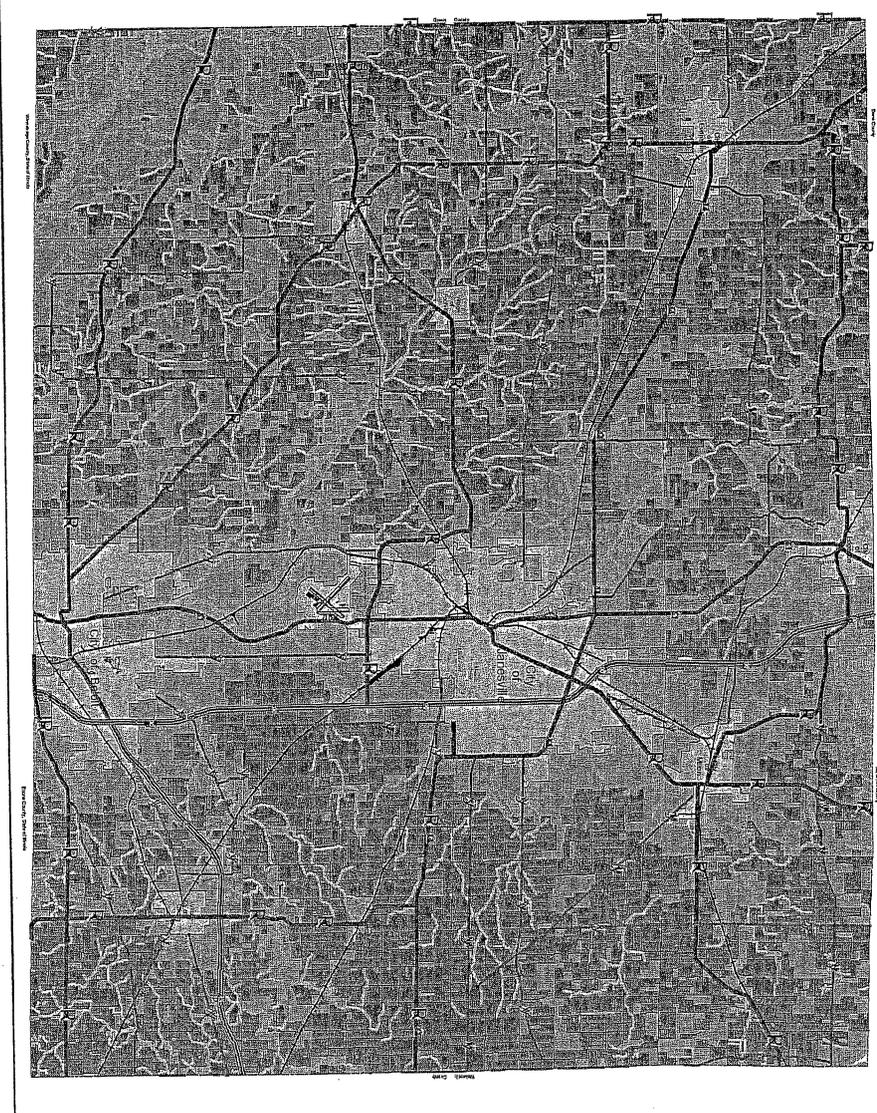
County Board Resolution 11-1A-250, Resolution to Approve the Start of Rock County Purchase of Agriculture Conservation Easement Program (PACE) and Approval of the PACE Manual, stated that a public hearing and approval by Rock County Board of Supervisors are needed to modify specific components of the PACE Manual, specifically Section IV-Program Development (II. Eligibility or III. Priority) or Section V. – Program Implementation (I. Oversight and Administration or IV. Application). This resolution does not request amendments to any of the aforementioned sections.

Respectfully Submitted,

Thomas Sweeney

Eligible Agricultural Parcels

Rock County PACE Program

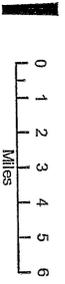


Rock County, Wisconsin
1/21/2010

- Eligible Parcels
- Ineligible Parcels
- City, Village or Town Boundary
- City or Village
- Rivers and Streams
- Rivers, Lakes, and Ponds
- Rail Line
- Roads
- County Trunk
- Highway
- Interstate

MAP DISCLAIMER

This map identifies agricultural parcels eligible to apply for inclusion in the Rock County PACE Program, reflecting the best data and information available at the time of Program adoption. Landowners and/or other interested parties may petition the County for a determination of Program eligibility on lands not identified as eligible. Land parcels meeting Program Eligibility Criteria 1 - 5, but not criteria 6, and/or 7, will become eligible to apply for inclusion in the Program pending submission of a Statement of Support - Rock County PACE Program Eligibility, by the applicable Town, Village and/or City, and amendment of said Town, Village, and/or City comprehensive plan, if required.



Rock County Geographic Information System (GIS)
Planning, Economic and Community
Development Agency
212 State St., Janesville, WI 53403-3488
www.rockcountygis.com

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ROCK COUNTY PURCHASE OF AGRICULTURAL CONSERVATION EASEMENTS (PACE) PROGRAM – *ELIGIBILITY CRITERIA FACT SHEET*

GENERAL INFORMATION

The Rock County PACE Program Ad Hoc Committee (Committee) developed Eligibility Criteria to identify agricultural parcels that are eligible to apply for inclusion to the Rock County PACE Program.

These Eligibility Criteria include:

1. Located in an Agricultural Preservation Area, per the *Rock County Farmland Preservation Plan: 2005 Update*, Farmland Preservation Plan Map
2. In private ownership but not owned by a conservation entity, and not currently protected through another agreement designed to maintain agricultural or open space use in perpetuity
3. Natural Resources Conservation Service (NRCS) composite land evaluation soil score of 60 or greater
4. 35 acres or larger with at least 50% of the acres classified as workland
5. Not adjacent to any an existing U.S. Interstate highway interchange (on 1-1-2010)
6. Not currently within any Town/Village/City planned development areas (per Town/City/Village comprehensive plans on 1-1-2010) or existing sewer service area (on 1-1-2010)*
7. Not currently within .75 miles of the boundary of a Large City (City with a population over 20,000, per most recent United States Census) or .50 miles of a Small City (City with population under 20,000, per most recent United States Census), as said boundaries exist on 1-1-2010* **

**Land parcels meeting Program Eligibility Criteria 1.- 5., but not criteria 6. and/or 7., will become eligible to apply for inclusion in the Program pending submission of a Statement of Support – Rock County PACE Program Eligibility, by the applicable Town, Village and/or City, and amendment of said Town, Village, and/or City comprehensive plan, if required.*

*** Land parcels meeting all other Program Eligibility Criteria., but not criteria 7., are eligible to apply for inclusion in the Program if said parcels are located in a Primary Target Acquisition Area (per Map IV.3 Rock County PACE Program: Target Acquisition Areas and Other High-Priority Agricultural Parcels),*

Land parcels meeting all other Program Eligibility Criteria, but not criteria 7., located in the Town of Rock, west of State Highway 11 and County Highway D (Afton Road), as identified in an Intergovernmental Agreement between the Town of Rock and the City of Janesville, are eligible to apply for inclusion in the Program, pursuant to said Agreement.

GENERAL INFORMATION

Agricultural parcels must meet all seven of the Eligibility Criteria to be eligible to apply for inclusion in the Program. Approximately 2,806 agricultural parcels in Rock County, totaling approximately 228,264 acres, meet all seven Program Eligibility Criteria and are eligible to apply for inclusion in the Program.

FURTHER INFORMATION

****PLEASE CONTACT ANDREW BAKER, ROCK COUNTY LAND CONSERVATION DEPARTMENT,
AT 608.755.6617 Ext. 3, BAKER@CO.ROCK.WI.US, OR:**

**ROCK COUNTY LAND CONSERVATION DEPARTMENT
ATTN: PACE PROGRAM
440 NORTH U.S. HIGHWAY 14
JANESVILLE, WI 53546**



Rock County Land Conservation Department

440 N US Hwy 14

Janesville, WI 53546-9708

Phone: (608) 754 - 6617 ext.3

Fax: (608) 752 - 1247

April 23, 2013

PACE Ad Hoc Committee Member and Council Members:

During the April 2013 Land Conservation Committee (LCC) meeting, discussion ensued regarding allowing Landowners the option to donate 100% of the easement value under the PACE Program. Currently the Landowners are required to donate a minimum of 33% of the easement value, while the county pays the landowner 17% of the easement value and the USDA-NRCS Farm and Ranchland Protection Program pay the landowner 50% of the easement value. The LCC believes that this minor change will help the program meet one of its primary goals of acquiring conservation easements on eligible lands.

As part of the discussion, the LCC stated that all current eligibility criteria for the PACE program would need to be met. I have attached a summary sheet of the approved criteria for you convenience. Also I have attached a map that was developed using the aforementioned criteria.

There were three issues that the committee discussed that predicated the needed change. First, the program was developed in a time when the PACE Ad Hoc Committee was under the impression that the Wisconsin Department of Agriculture, Trade and Consumer Protection was going to be a large financial player in the PACE programs application. This has not materialized. Second, after the State bowed out of the program, the County had to fill the void with a larger financial responsibility. The County's limited financial resources must be applied under the great scrutiny, which the PACE Council and LCC has done. Third, landowners whose lands do not fall into the Primary Target areas, but are still regarded as eligible land under the aforementioned criteria may wish to participate in the program, via the 100% donation avenue.

The Land Conservation Committee has requested that a resolution should be drafted for County Board consideration. The resolution will be considered during the June County Board meeting. If you have any questions comments or concerns regarding this matter, please give me a call.

Sincerely,

Thomas Sweeney
County Conservationist

cc. Craig Knutson, County Administrator
enclosures

MEMORANDUM

DATE: May 28, 2013

TO: Rock County Land Conservation Committee

FROM: Andrew Baker, Conservation Specialist 

SUBJECT: Request for waiver of Erosion Control Permit requirements
Rye Farms (Gordon Rye), Part of SW 1/4 of SW 1/4, Section 29, Bradford
Township (Near intersection of S Reid Rd and E Creek Rd)

Rye Farms (c/o Gordon Rye) has applied for a wavier of Erosion Control Permit requirements for a fill project on his property in Bradford Township. The purpose of the project is to utilize locally available clean fill to fill in a portion of a former gravel pit on the property to improve the ability to farm this area. This project will likely take place over a number of years.

A Rock County Erosion Control Permit, or waiver, is necessary for this project considering greater than four thousand square feet of land will be disturbed and/or greater than four hundred cubic yards of fill will be deposited. A Storm Water Management Permit is not required considering no impervious surface will be added. See the attached letter to Mr. Rye for more information.

The Land Conservation Committee has the ability to waive any or all of the Erosion Control Ordinance requirements, including the need to obtain a permit, if the project will have no appreciable impact to adjacent property or waters of the state. The waiver process includes review by the Technical Review Committee (staff) and a recommendation made to the Rock County Land Conservation Committee for action.

Mr. Rye chose to apply for a waiver after a meeting on site with the contractor planning to use the site and Department staff. This decision was based on the fact that the current planned extent of the fill is setback approximately two hundred feet from the south property line (which is the general direction of the runoff flow) and flow path between the proposed fill area is generally flat (not concentrated flow), low gradient and made up of good standing vegetation. The entrance to the site will be on Reid Rd and stabilized with large stone to minimize tracking material onto the road.

Based on the characteristics of the project and this property, the Technical Review Committee's recommendation is to approve the waiver request for Rye Farms with three conditions:

1. The fill does not extend beyond the point discussed, as shown on aerial photo, unless first reconsidered by the LCD for permit needs,
2. The standing grass cover buffer area is maintained without consistent mowing or grazing, and
3. Material is not tracked offsite site on vehicles leaving the site.

The LCC has the choice to take the recommendation, or modify it as you see fit, and make a decision on whether to approve this waiver



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

May 21, 2013

MR. GORDON RYE
RYE FARMS INC
9007 E CREEK RD
CLINTON, WI 53525

RE: Proposed clean fill site near corner of S Reid Rd and E Creek Rd (Parcel # 6-3-221)
Part of Section 29, Bradford Township, Rock County, WI

Dear Mr. Rye,

Thank you for asking me to meet with you and Brian Ayre yesterday regarding using a portion of your property as a clean fill disposal site. As we discussed, this portion of your property was used in the past as a gravel pit and you would like to fill it in over a period of a number of years (depending of availability of material) to be able to farm it and ultimately square up your adjacent field.

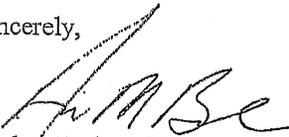
As I mentioned on site, the Land Conservation Department is involved in a project like this through the administration of the Rock County Construction Site Erosion Control Ordinance. Most land disturbing activities exceeding 4,000 square feet or 400 yards of fill require an Erosion Control Permit, or an approved waiver of permit requirements, prior to commencing activities on site. The amount of area proposed meets this threshold; therefore, a permit or waiver is needed.

After walking the site we determined that while the old pit area is externally drained, the bottom of the pit is relatively flat and there is over two hundred feet of good filtering vegetation before any runoff leaves the site. As long as this good standing vegetation remains in this buffer area and the fill does not extend beyond the point we discussed, it is reasonable to determine that there will be no offsite impact from this project. For this reason, I can support a recommendation to waive permit requirements for this project.

The permit waiver process includes an application by the landowner, a recommendation by staff and a decision by Land Conservation Committee (made up of County Board Supervisors). The next Committee meeting is the evening of Wednesday June 5. We will plan to put your application on the agenda that meeting and ask that you return the application materials to the office by Tuesday May 28 if possible (so that we can send copies to the Committee prior to the meeting as part of their agenda packet).

I have enclosed a wavier application for your use along with an aerial photo with topographic data to use for a sketch. This application is used for many different types of projects, so some provisions may not pertain to your request. Please contact me if you have any questions as you fill out the application.

Sincerely,


Andrew Baker, CPESC
Conservation Specialist

APPLICATION FOR WAIVER

ROCK COUNTY EROSION CONTROL AND STORM WATER MANAGEMENT PERMIT

Waiver #: Waiver #2013001

Date: 5/24/13

Project Name: Rye Farms Fill

Township: Broad Acre Section: 29 1/4: 1/4: Parcel #: 6-3-221

Landowner: Rye Farms Inc. Applicant: Gordon Rye

Landowner Address: 9007 E Crook Rd Applicant Address: same
Clinton WI 53525

Landowner Phone: 608 921 5629 Applicant Phone:

FAX: FAX:

e-mail: e-mail:

Type of Waiver (check 1):

- Erosion Control Only Erosion Control and Storm Water Management
 Storm Water Management Only

Provide complete documentation of the justification for the requested waiver (Use attachments if additional space is required) No adverse offsite impact based on distance to outlet and

Existing grass cover. Grass cover will be maintained until fill area is stabilized.

Fee Determination (check one):

<input checked="" type="checkbox"/> Waiver of an Erosion Control Ordinance requirement only:	\$ 75.00
<input type="checkbox"/> Waiver of a Storm Water Management Ordinance requirement only:	\$ 75.00
<input type="checkbox"/> Waiver of a combined Erosion Control Ordinance and Storm Water Management Ordinance requirement:	\$100.00
Total Waiver Application Fee (please make your check payable Rock County LCD) =	<u>\$ 75.00</u>

Notes:

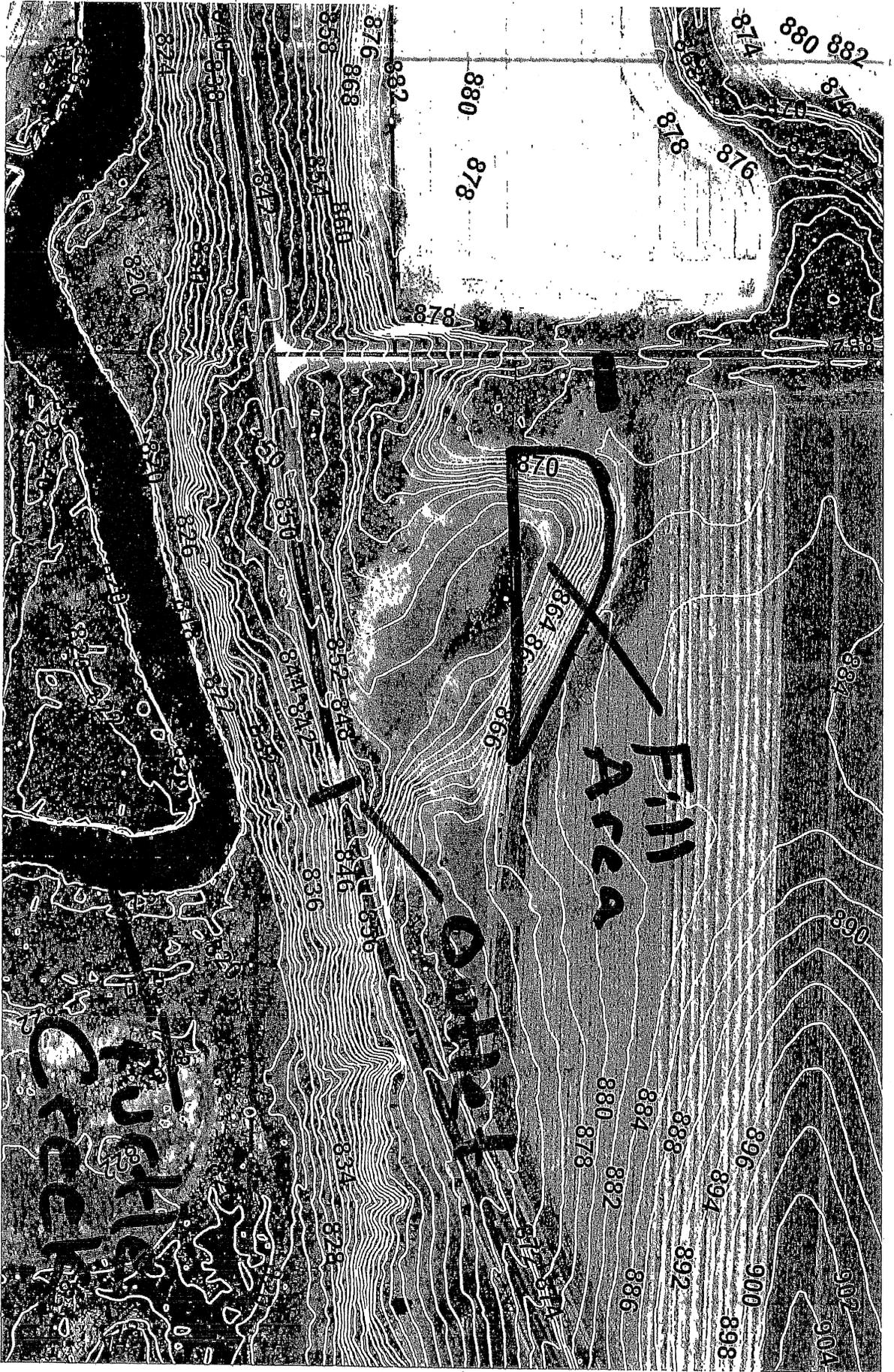
1. No responsible party may undertake a land disturbing construction activity subject to the ordinances without receiving a permit or a waiver prior to the beginning of the proposed activity.
2. This Waiver Application does not guarantee that a waiver will be granted.
3. The fee for the Waiver Application will be deducted from an application fee if an erosion control and/or storm water management permit for the site is required.

PD
check #
6587

Landowner or Applicant Signature: Gordon Rye Date: 5-24-13
 (If applicant is not the landowner, attach a notarized statement authorizing applicant to act as landowner's agent)

Application Review by: [Signature] Date: 5/29/13

Waiver to a Permit Issued by: Date:



Rye Waiver Request

1 inch = 200 feet