

**RESOLUTION
ROCK COUNTY BOARD OF SUPERVISORS**

Land Conservation Committee
INITIATED BY



Thomas Sweeney
DRAFTED BY

Land Conservation Committee
SUBMITTED BY

August 22, 2016
DATE DRAFTED

AUTHORIZING FULL/PARTIAL PURCHASES OF AGRICULTURAL CONSERVATION EASEMENTS ON PROPERTIES WITHIN PRIORITY AREAS OF THE ROCK COUNTY PURCHASE AGRICULTURAL CONSERVATION EASEMENTS (PACE) PROGRAM AND AMENDING THE PACE MANUAL

1 **WHEREAS**, the Rock County Board of Supervisors officially approved the Rock County Purchase of
2 Agricultural Conservation Easements Program ("Program") and adopted the document entitled Rock
3 County PACE Program Manual, identifying and outlining all aspects of Program's development and
4 implementation, on January 13, 2011; and,
5

6 **WHEREAS**, the mission of the Program is to work in cooperation with local governments to enhance
7 Rock County's quality of life by building consensus towards a regional vision, to include preservation of
8 agricultural land, the agricultural economy, and the County's rural character, and responsible growth and
9 development in appropriate areas; and,
10

11 **WHEREAS**, the Program works towards achieving its mission by acquiring Agricultural Conservation
12 Easements on eligible lands within identified targeted areas throughout the unincorporated areas of Rock
13 County; and,
14

15 **WHEREAS**, an essential component of the Program is the Land Conservation Committee's ("LCC")
16 partnership with the USDA-NRCS ("NRCS"). NRCS agreed to provide funding (50%) for easement
17 purchases if the submitted applications were approved for funding. This partnership was predicated on
18 the NRCS budget of well over One Million Dollars (>\$1,000,000) for state wide funding. Within the
19 recent past this funding has been reduced to less than Two Hundred and Thirty Thousand Dollars
20 (<\$230,000) for state wide application; and
21

22 **WHEREAS**, current Program policies require the landowners to donate a minimum of thirty three
23 percent (33%) of the Agricultural Conservation Easement value, as defined by the easement appraisal,
24 Rock County pays the applicant 17% of the easement value and the USDA-NRCS Agricultural
25 Conservation Easement ("ALE") Program pays the applicant the remaining 50% of the easement value.
26 Rock County pays all costs associated with the purchase of the easement, which includes; the
27 Agricultural Conservation Easement appraisal, all title work and title insurance, recording fees, and a
28 land survey, if needed; and,
29

30 **WHEREAS**, the Program policies do not allow the county to pursue purchases of Agricultural
31 Conservation Easements as a sole purchaser or to fund a larger portion of a conservation easement
32 when federal funding is less than the 50% level as described in the current Program Policy; and,
33

34 **WHEREAS**, the NRCS notified Rock County that funding was available for one partially funded
35 easement for program year 2016 from the pool of four (4) applications forwarded for consideration. The
36 partial funding offered was less than the 50% of the easement value. Consideration for purchase of this
37 easement must be approved by County Board action; and,
38

39 **WHEREAS**, the PACE Council and LCC have discussed the merits of a Full/Partial Purchase Program
40 component for individuals who fit into the Program acquisition priorities and concluded that the Program
41 needs to fill this void to assure the programs longevity and continue to be make this program available to
42 applicants in the future; and,

16-9A-092

AUTHORIZING FULL/PARTIAL PURCHASES OF AGRICULTURAL CONSERVATION EASEMENTS
ON PROPERTIES WITHIN PRIORITY AREAS OF THE ROCK COUNTY PURCHASE AGRICULTURAL
CONSERVATION EASEMENTS (PACE) PROGRAM AND AMENDING THE PACE MANUAL Page 2

43 **WHEREAS**, if this resolution is approved, the LCC will pursue easement purchases from Landowners,
44 located in eligible priority areas as defined in the PACE Program Manual, will be allowed to fully fund
45 easements purchases from within the priority areas, will be allowed to exceed the policy caps if available
46 federal funding is less than the 50% of the Agricultural Conservation Easement purchase price, and
47 continue to allow the Program to pay for costs associated with the Agricultural Conservation Easement
48 appraisal, associated title work, title insurance, recording fees, and all administration costs, subject to
49 County Board approval.

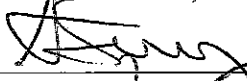
50
51 **NOW, THEREFORE, BE IT RESOLVED** that the Rock County Board of Supervisors duly assembled
52 this 22nd day of September, 2016, authorizes the LCC and Program staff to accept
53 applications to the PACE Program for the full / partial funded purchases of an Agricultural Conservation
54 Easements, process applications according to the Program policies and procedures, and authorizes
55 program costs with the full /partial purchases of the Agricultural Conservation Easements.


56
57 **BE IT FURTHER RESOLVED**, that Section V – Implementation of the PACE Manual be modified to
58 reflect the policy change
59

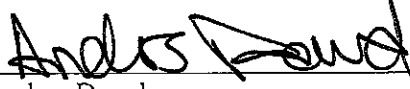
Respectfully submitted:

LAND CONSERVATION COMMITTEE


Richard Bostwick, Chair


Alan Sweeney, Vice Chair

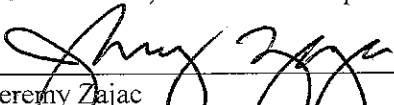

Wes Davis


Anders Dowd

Absent
Brenton Driscoll

Absent
Kara Hawes


David Rebut, USDA-FSA Representative


Jeremy Zajac

AUTHORIZING FULL/PARTIAL PURCHASES OF AGRICULTURAL CONSERVATION
EASEMENTS ON PROPERTIES WITHIN PRIORITY AREAS OF THE ROCK COUNTY
PURCHASE AGRICULTURAL CONSERVATION EASEMENTS (PACE) PROGRAM
AND AMENDING THE PACE MANUAL
Page 3

FISCAL NOTE:

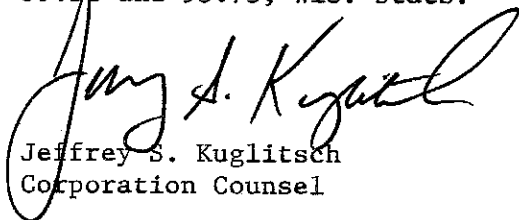
This resolution authorizes the Land Conservation Departments to accept PACE applications for easements that are funded less than 50% by the federal government. Therefore, the County would be contributing more to these easement purchases. Each easement purchase and funding request would still need approval by the County Board.



Sherry Oja
Finance Director

LEGAL NOTE:

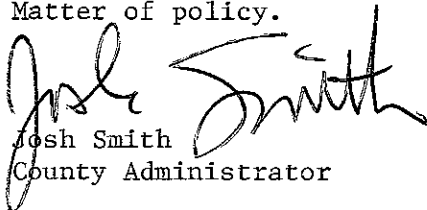
The County Board is authorized to take this action pursuant to secs. 59.01,
59.51 and 93.73, Wis. Stats.



Jeffrey S. Kuglitsch
Corporation Counsel

ADMINISTRATIVE NOTE:

Matter of policy.



Josh Smith
County Administrator

**AUTHORIZING FULL/PARTIAL PURCHASES OF AGRICULTURAL CONSERVATION
EASEMENTS ON PROPERTIES WITHIN PRIORITY AREAS OF THE ROCK COUNTY
PURCHASE AGRICULTURAL CONSERVATION EASEMENTS (PACE) PROGRAM AND
AMENDING THE PACE MANUAL**

EXECUTIVE SUMMARY

The PACE Council and the Land Conservation Committee (“LCC”) have discussed the merits of incorporating a fully funded / increased partial funded agricultural conservation easement component into the PACE program (“Program”). Under the current 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. Rock County pays the applicant 17% of the easement purchase value and the USDA-NRCS (“NRCS”) Agricultural Land Easement Program (“ALE”) pays the applicant the remaining 50% of the easement purchase price. 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.

When the Program was adopted by County Board, The LCC developed a partnership with the USDA-NRCS to provide 50% funding of easement purchase price, as described above. The USDA-NRCS dedicated approximately over One Million Dollars (>\$1,000,000) for state wide application. Beginning in 2016, the NRCS has reduced the overall state wide funding for their program to less than Two Hundred and Thirty Thousand Dollars (<\$230,000). This level of funding has hampered the continuation of the County’s Program. NRCS dedicated funding for one easement purchase in Dane County at the aforementioned 50% rate. The remaining funding was offered to Rock County for an easement purchase, which equates to less than the 50% of the proposed easement purchase price. The NRCS funding was shifted from the ALE program to the Wetland Reserve Program.

This resolution is approved by Rock County Board of Supervisors the PACE Manual will be amended to allow the LCC to fully fund agricultural conservation easements purchases and allow for an increase of the county’s share if federal funding falls short of the 50% of the easement purchase price. All other PACE Program eligibility components, as outlined in the PACE Manual will remain in place.

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 request amendments to Section V, therefore a public hearing is required.