

TOWN OF YORK, GREEN COUNTY, WISCONSIN

ORDINANCE NO. 10-01

CREATION OF THE RURAL LAND CONSERVATION PROGRAM
AND THE RURAL LAND CONSERVATION COMMITTEE¹

1. **AUTHORITY**

The Town Board of Supervisors of the Town of York, Green County, Wisconsin, Do ordain as follows:

2. **PURPOSE**

The purpose of this ordinance is to establish the Town of York Rural Land Conservation Program and to create the Rural Land Conservation Committee pursuant to the laws of the State of Wisconsin, specifically including Sections 60.10(2)(c) and (e), 60.10(3)(a), 60.22(3), 61.34(1), 61.34(3m) and 700.40 of the Wisconsin Statutes is hereby created to read as follows:

3. **DEFINITIONS**

- a. **Board** means the Town of York Board of Supervisors
- b. **Conservation Easement** means a holder's non possessory interest in real property within the Town of York imposing any limitation or affirmative obligation the purpose of which includes protecting viable farm operations and farmland to maintain the rural character of the Town of York, permanently preserving environmentally significant areas, including wetlands, lakes, streams and woodlots, creating and preserving "buffer zones" around significant environmental areas and agricultural areas, protecting the Town of York from encroachment of neighboring cities and villages, restricting land divisions, retaining or protecting natural or open space values of real property, assuring the availability of real property for agriculture, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, and preserving the historical, architectural, archaeological or cultural aspects of real property.
- c. **Committee** means the Rural Land Conservation Committee.
- d. **Conservation Interest** means a holder's interest in a conservation easement, a third-party right of enforcement in a conservation easement or fee title interest in real property.

¹The language in this ordinance is based on a revised version of *Ordinance No. 4-3 Amended* from the Town of Dunn, Dane County, Wisconsin. Many thanks to the Town of Dunn for their assistance in helping us develop the Rural Land Conservation Program in the Town of York.

- e. **Nonprofit Conservation Organization** means a nonprofit corporation, a charitable trust, or other nonprofit association whose purposes include the acquisition of property for conservation purposes and that is described in Section 501(c)(3) of the Internal Revenue Code and is exempt from federal income tax under section 501(a) of the Internal Revenue Code.
- f. **Plan Commission** means the Town of York Plan Commission.

4. **RURAL LAND CONSERVATION COMMITTEE.**

- a. **Creation.** There is hereby created the Town of York Rural Land Conservation Committee (hereinafter the "Committee").
- b. **Duties.** The Committee shall work in cooperation with the Plan Commission and be responsible for the general operation of the Rural Land Conservation Program as set forth in this Ordinance, including the following:
 - i. The Committee shall maintain contact with public and private agencies to maximize resources and coordinate efforts to preserve the rural character of the Town.
 - ii. The Committee shall determine the interest of owners of land within the town as opportunities arise, to donate or sell interests in real property for the purpose of the Rural Land Conservation Program.
 - iii. The Committee may recommend selection criteria and may recommend the acquisition of interests in specific parcels of real property to be acquired by the Town for the purpose of the Rural Land Conservation Program.
 - iv. The Committee may recommend changes to the Rural Land Conservation Program to better meet the goals set out in the Town's Comprehensive Plan.
 - v. The Committee may conduct public meetings or public hearings as it determines necessary or convenient to its work.
- c. **Membership.** The Committee shall consist of five (5) members consisting of the Committee Chair and four (4) members nominated by the Town Chair, and with the advise and consent of the Board, appointed for staggered terms expiring on April 1 following the third anniversary of their appointment, subject to the following:
 - i. The Committee Chair and at least two (2) members shall be electors of the Town, the remaining two members shall be either tax payers or electors of the Town.
 - ii. Notwithstanding the foregoing, one (1) of the initial members appointed under this subparagraph shall be designated to serve a term expiring on April 1 following the first anniversary of their appointment and two (2) of such initial members shall be designated to serve for terms expiring on April 1 following their second anniversary of their appointment.

- iii. To the extent practicable, include persons with backgrounds and experience in agriculture, finance, conservation, or planning.
 - d. **Officers.** The Committee shall have the following officers:
 - i. The Chair shall preside at all meetings of the Committee. In his or her absence, the Committee shall designate a member to serve as presiding officer of its meeting.
 - ii. A Secretary shall be elected by a majority vote of the Committee at the first meeting of the Committee following April 1 of each year to serve for a term expiring on April 1 of the following year. The Secretary shall maintain records of the Committee's work, including minutes of all meetings of the Committee.
 - iii. The Committee may establish any additional officers it determines necessary or convenient to the operation of the Committee.
 - e. **Rules of Procedure.** The Committee may adopt rules of procedure governing its deliberations. In the absence of any other such rules, the Committee shall conduct its proceedings in accordance with Robert's Rules of Order, latest revised edition.

5. PROGRAM FUNDING

The Board is authorized to raise revenues to fund the activities of the Rural Land Conservation Committee to carry out the Rural Land Conservation Program. The revenues raised by the payment of the fees described below shall be segregated into separate accounts and the revenues and any interest earnings on such accounts shall be used as described in Section 6 of this ordinance.

- a. **Conservation Development Fee.** A one-time endowment fee of \$5,000.00 will be collected from developers of conservation subdivisions under the Tier 2 option of the Town of York Land Division-Development Ordinance #09_01. This fee will be deposited into the *Town of York Conservation Easement Administration Account*, and the revenues and interest on this account will be used solely for the administration and maintenance activities associated with conservation easements held by the Town. The developer may also be responsible for all or part of costs of acquisition of conservation interests, including but not limited to survey costs, title evidence, attorney's fees, appraiser's fees, environmental assessments, transfer taxes and recording fees.
- b. **Driveway Permit Fee.** A \$500.00 fee will be collected in addition to the standard Town driveway fee for every new driveway permit application in the Town. This fee will be deposited into the *Town of York Rural Land Conservation Program Account* and will be used solely for expenditures relating to the Rural Land Conservation Program as described in Section 4 of this ordinance. See the Town's Driveway Ordinance for a full description of driveway permit fees.
- c. **Building Permit Fee.** A \$500.00 fee will be collected in addition to the Town's standard building permit fees, for all permits drawn for the construction of new residential units. This \$500.00 fee will be deposited into the *Town of York Rural*

Land Conservation Program Account and will be used solely for expenditures relating to the Rural Land Conservation Program as described in section 6 of this ordinance. See the Town's Building Permit Ordinance and associated fee schedule for a full description of building permit fees.

6. RURAL LAND CONSERVATION PROGRAM EXPENDITURES

The Board is authorized to acquire conservation interests in real property or to make payments to nonprofit conservation organizations for the purpose of rural conservation as provided herein.

- a. **Conservation Easement Purchases.** The Board may, subject to subsection 6-d, expend funds for costs associated with the purchase or acceptance of donated holders' interests or third party rights of enforcement in conservation easements as defined, respectively, in Sections 700.40(1)(b) and 700.40(1)(c) of the Wisconsin Statutes.
- b. **Land Purchases.** The Board may, subject to subsection 6-d, expend funds for the purchase of land for the purpose of rural land conservation.
- c. **Payments to Nonprofit Organizations.** The Board may, subject to subsection 6-d, appropriate money for payment to a nonprofit conservation organization for the conservation of natural resources within the Town or beneficial to the Town through acquisition of conservation interests, provided that the recipient organization submits and the Board approves a detailed plan for the work to be done as provided for in section 60.23(6) of the Wisconsin Statutes. The Board may attach such conditions and restrictions on the appropriation as the Board considers necessary and appropriate to protect the Town's interests in rural land conservation.
- d. The Town Board shall refer to the Plan Commission and the Committee, for its consideration and recommendation before final action is taken by the Board, the expenditure of funds under subsections a, b or c. Unless such recommendation is made within 30 days, or such longer period as may be stipulated by the Board, the Board may take final action without it.
- e. **Voluntary Conveyances.** The Board may acquire conservation interests only from willing owners and may not exercise its power of eminent domain to acquire such interests.
- f. **Indirect Costs.** In addition to the purchase price therefor, the Board may expend funds for the payment of indirect costs associated with the conduct of the program, including costs of administration and acquisition of conservation interests, including but not limited to survey costs, title evidence, attorney's fees, appraiser's fees, environmental assessments, transfer taxes and recording fees.

7. PROCEDURE FOR ACQUISITION OF CONSERVATION INTERESTS

- a. The Board may conduct public meetings or public hearings as it determines necessary or convenient to consideration of Rural Land Conservation Program expenditures.
- b. Should the Board be interested in purchasing a conservation interest, prior to such purchase, the Board shall cause an appraisal to be prepared by a qualified appraiser setting forth the fair market value of the interest proposed to be purchased.

8. ALIENATION OF ACQUIRED INTERESTS

Except where the intention to reconvey a conservation interest is expressly provided for by the Board's authorization to acquire such interest, no conservation interest acquired by the Town under the provisions of this Ordinance shall thereafter be alienated, unless all of the following conditions have been met:

- a. The Board or Committee has conducted a public hearing for the purpose of considering the proposed alienation;
- b. The Town Board has referred to the Plan Commission and the Committee, for their consideration and recommendations before final action is taken by the Board, the proposed alienation. Unless such recommendation is made within 30 days, or such longer period as may be stipulated by the Board, the Board may take final action without it;
- c. An advisory referendum on the proposed alienation is approved by the majority of the electors of the Town on the voting measure;
- d. A resolution in support of the proposed alienation is adopted by an affirmative vote of two-thirds of the members of the Board; and
- e. A resolution in support of the proposed alienation is adopted by a majority of the members of the governing body of any public agency or nonprofit conservation organization which jointly undertook the acquisition of the conservation interest proposed to be alienated.

9. CONFLICT OF INTEREST

No person may participate in any deliberation of the Plan Commission, Committee, or of the Board in the consideration or determination of any expenditure under this Ordinance in which the person, a member of the person's family, or an organization with whom the person is affiliated has a financial interest.

10. AMENDMENT OR REPEAL

This Ordinance may be amended or repealed only by affirmative vote of the Board

following a public hearing.

11. SEVERABILITY

Should any provision of this Ordinance be adjudged invalid by a court of competent jurisdiction, such adjudication shall not affect the validity of any other provision of this ordinance.

12. EFFECTIVE DATE

This Ordinance shall take effect immediately upon the passage and posting or publication as provided by law.

Dated this 13th day of July, 2010.

TOWN OF YORK

Dan Reeson, Chairman _____

Dan Truttmann, 1st Supervisor _____

Steve Hermanson, 2nd Supervisor _____

Nancy Anderson, Clerk (Attest) _____

Original on file with the Town Clerk