Working Lands Initiative
PACE Commission
November 18, 2009

Comments on November 10, 2009 draft PACE criteria

Jim Welsh, Executive Director

The Natural Heritage Land Trust, established in 1983, has been protecting agricultural land since 1997 when we helped the Town of Dunn in Dane County complete its first agricultural easement. We now hold 22 agricultural easements, 20 of which have received funding from the USDA's Farm and Ranch Lands Protection Program (FRPP). We are currently negotiating four more agricultural easements.

1. *Consider providing additional clarity to some of the criteria*

**Section 2. CONSISTENCY WITH PLANNING AND ZONING (40 Total Possible Points)**

**The parcel is located within:**

| | | |
|---|---|---|
| A certified Farmland Preservation or Exclusive Ag. Zoning District | | |
| A county or township with a PACE ordinance or PACE advisory committee | | |
| An Agricultural Enterprise Area designated by DATCP | | |
| An area where splits are limited through restrictive covenants | | |

Add "PACE as an element of the local comprehensive plan".
Define "area" as the town or county.

**3.D.** **Distance from nearest Urban Service Area (USA) boundary** (based on population breakdowns below)

**D1. When 2007 population estimate is less than 2,500 and parcel is:**

| |
|---|
| Less than .5 miles from USA |
| .5 to 3 miles |
| 3 to 6 miles |
| More than 6 miles |

Does the "population estimate" applies to the town or the USA?

*2. Where the criteria requires an analysis, explain if you expect the applicant to provide the analysis. If you do expect the applicant to provide the analysis, how will you ensure consistency between applications? If you don't expect the applicant to do this analysis, does DATCP intend to do it?*

**3.B. Percent of town land area in developed use in most recent land inventory available based on town, county or regional planning commission data. (Note: Developed land area includes all urban uses including roads, commercial, industrial, residential, etc.)**

**3.D. Distance from nearest Urban Service Area (USA) boundary (based on population breakdowns below)**

*3. Subjective criteria.*

**Section 8. BONUS POINTS (35 Possible Points)**

The bonus points are largely subjective measures and account for 15% of the total possible points. Problems with using subjective criteria include lack of transparency. Because the PACE grant program will be awarding millions of dollars in public money, the public expects to be able to understand that the grants are awarded fairly. Another problem is that potential applicants will likely want to run their projects through the ranking system to get a sense if a project may be worthwhile prior to applying, and without objective standards, it will be hard to reach conclusions.

Suggestions:

- Eliminate criteria that cannot be objectively measured.
- Wherever possible, include at least some measurable parameters. For example, for #5 (capital investments) include a time period during which capital investments would be counted.
- Limit #7 to true intergovernmental agreements and move this to section 5 (community support)

4. Misc.

**4.B. Adjacency to permanently protected land**

Award points on a scale based on adjacency, just as you do for adjacency relating to development pressure. There is great value in encouraging clustering of agricultural easements even if they are not immediately adjacent.

**Section 7. LOCAL CAPACITY TO MANAGE AND ENFORCE EASEMENTS (10 possible points)**

Awards points for partners willing to co-hold the easement. This will provide additional durability and help protect the public's investment.